

motive Engineers, Border City Division, Arkansas City, Kans., favoring the Bates-Penrose employers' liability bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Textile World Record, relative to the use of the metric system in the Philippine Islands—to the Committee on Insular Affairs.

Also, petition of Colorado beet-sugar manufacturers, against a reduction of duties on beet sugar—to the Committee on Ways and Means.

Also, petition of the Carriage Builders' Association, favoring national regulation of commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the executive committee of the Interstate Commerce Law conventions of St. Louis and Milwaukee—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Texas: Papers to accompany bill for relief of James Sanders—to the Committee on Invalid Pensions.

By Mr. CROWLEY: Papers to accompany bill for relief of James H. Wasson—to the Committee on Invalid Pensions.

By Mr. DALZELL: Papers to accompany bill for relief of Abraham K. Van Tine, of Oakmont, Pa.—to the Committee on Invalid Pensions.

By Mr. DEEMER: Petition of citizens of Porterbrook and Westfield, Pa., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of the board of directors of the Receivers and Shippers' Association of Cincinnati, favoring the passage of the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DRESSER: Papers to accompany bill for relief of Franklin G. Mattern—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Interstate Commerce Law Convention, St. Louis, Mo., concerning an amendment to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sandwich Manufacturing Company, of Sandwich, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of William White & Co., of Moline, Ill., favoring enlargement of the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Hibbard, Spencer, Bartlett & Co., of Chicago, Ill., favoring legislation protecting the shippers of the country by fixing freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of cigar makers' local union, Ottawa, Ill., against lowering duties on Philippine tobacco—to the Committee on Ways and Means.

Also, petition of the Elmore Coal Company, of Rockford, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Rockford Fuel and Lumber Company, of Rockford, Ill., favoring bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

Also, petition of Richmond Pearson Hobson, favoring the Wiley bill (H. R. 6490)—to the Committee on Naval Affairs.

By Mr. GOEBEL: Petition to accompany bill for relief of Nathan Loeb—to the Committee on Military Affairs.

By Mr. HEARST: Petition of the Business Men's Association of Rockford, Ill., favoring the Hearst bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. H. Cohron & Son, of Stuarts Draft, Va., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of merchants and shippers of Marysville, Mich., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. H. Hirsch & Son, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of John S. Cissel, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of James F. Umpleby, of St. Louis, Mo., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. A. Foster, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of the Woodlawn Farm Company, favoring enlarged powers for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Robinson Division, No. 78, Order of Railway Conductors, favoring bills S. 4092 and H. R. 7041—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petition of citizens of South Amboy, N. J., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of residents of Longbranch, N. J., favoring pensions for life service—to the Committee on Pensions.

By Mr. HUNT: Petition of Receivers and Shippers' Association of Cincinnati, Ohio, for Government regulation of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. JACKSON of Ohio: Papers to accompany bill for relief of James W. Myers, of Rising Sun, Ohio—to the Committee on Invalid Pensions.

By Mr. MORGAN: Papers to accompany bill for the relief of Darius M. Smeltzer—to the Committee on Invalid Pensions.

Also, petition of the Board of Trade of Portsmouth, Ohio, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill for relief of Sarah W. Smith, of Manchester, Ohio—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Sarah A. Shaw, of Gallipolis, Ohio—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Papers to accompany bill H. R. 4172—to the Committee on the Judiciary.

By Mr. PATTERSON of Pennsylvania: Petition of the First Presbyterian Church of Shenandoah, Pa., favoring exclusion of intoxicating liquors from Indian Territory—to the Committee on the Territories.

Also, papers to accompany bill for relief of A. H. Glassmire—to the Committee on Invalid Pensions.

By Mr. PORTER: Petition of the Pennsylvania State Grange, favoring bill H. R. 8678—to the Committee on Agriculture.

Also, petition of the Pennsylvania department of forestry, for legislation to preserve the big trees in Calaveras grove, California—to the Committee on Agriculture.

By Mr. REID: Papers to accompany bill H. R. 17545, to remove charge of desertion against Oliver J. Owen—to the Committee on Military Affairs.

By Mr. RYAN: Petition of Receivers and Shippers' Association of Cincinnati, Ohio, for enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: Petition of Andrew Brooks et al., against the passage of bill H. R. 4859—to the Committee on the District of Columbia.

By Mr. SPERRY: Petition of New Haven Division, No. 77; Hartford Division, No. 205, and New London Division, No. 348, of Brotherhood of Locomotive Engineers, favoring bill H. R. 13354—to the Committee on Invalid Pensions.

Also, petition of Cigar Makers' Union No. 299, of Middletown, Conn., protesting against any reduction in the tariff duties on Philippine tobacco—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of citizens of Marietta, Ind. T., requesting passage of bill H. R. 17487—to the Committee on the Territories.

By Mr. THOMAS of Ohio: Petition of Central Christian Church, of Warren, Ohio, favoring the Senate bill known as the "Hamilton bill," against intoxicating liquors in Territories—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Grace United Evangelical Church, of Warren, Ohio, favoring the Hamilton bill, against intoxicating liquors in Territories—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Isaac C. Gibbons et al., favoring bill H. R. 15797—to the Committee on Invalid Pensions.

By Mr. WACHTER: Paper to accompany bill for the relief of Charles N. Kuhn—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: Paper to accompany bill for relief of Mrs. Sarah Burke—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, January 13, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

TARIFF ON PHILIPPINE TOBACCO.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the Secretary of War, transmitting copies of two letters from the executive secretary of the Philippine Islands quoting a petition from the governor of the province of Cagayan on behalf of the inhabitants of that province, and one from the governor of the province of Isabela on behalf of the municipal presidentes and prominent tobacco growers in that province, praying for a tariff reduction on Philippine tobacco imported into the United States; which, with the accompanying paper, was referred to the Committee on the Philippines, and ordered to be printed.

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The PRESIDING OFFICER laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company for the year 1904; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the State of Michigan; which, with the accompanying paper, was ordered to be filed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDING OFFICER laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of the Trustees of the Washington Street Methodist Episcopal Church South, of Alexandria, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of the Trustees of the First Baptist Church of Alexandria, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of the Trustees of the Christian Church of Nicholasville, Ky., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 6261) permitting the building of a railroad bridge across the Mississippi River at the city of Minneapolis, State of Minnesota, from a point on lot 2 to a point on lot 7, all in section 3, township 29 north, range 24 west of the fourth principal meridian.

The message also announced that the House had passed a bill (H. R. 16284) to transfer Fayette County from western to southern judicial district of Texas; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER. On behalf of the junior Senator from Maine [Mr. FRYE], the Chair presents sundry petitions, which will be noted in the RECORD and appropriately referred or laid on the table.

The petitions were referred or ordered to lie on the table as follows:

A petition of the Woman's Christian Temperance Union of Madison, Me., and a petition of the Pierian Club, of Presque Isle, Me., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill—ordered to lie on the table.

A petition of the Merchants' Association of New York City, praying for a reduction of the tariff on Philippine products imported into the United States—referred to the Committee on the Philippines.

A memorial of the Arizona Baptist Convention, of Phoenix, Ariz., remonstrating against the annexation of that Territory to the Territory of New Mexico—ordered to lie on the table.

A memorial of the Ladies of the National Protective Labor Association of Washington, D. C., remonstrating against the passage of the so-called "whipping-post bill"—referred to the Committee on the District of Columbia.

A petition of Local Lodge No. 484, Brotherhood of Railroad Trainmen, of Washington, D. C., praying for the enactment of legislation providing for the prevention of child labor in the District of Columbia—referred to the Committee on the District of Columbia.

A petition of the Baptist, Free Baptist, and Methodist Episcopal societies of Corinth, Me., and a petition of the Nezinscot History Club, of Buckfield, Me., praying for the adoption of an amendment to the Constitution to prohibit polygamy—referred to the Committee on the Judiciary.

A petition of the Master Mariners' Association of the United States, praying that an appropriation be made for the completion of the easterly shore arm breakwater at Point Judith, R. I.—referred to the Committee on Commerce.

A petition of the Trans-Mississippi Commercial Congress of Portland, Oreg., praying that an appropriation be made for the

improvement of the Mississippi River between the mouths of the Missouri and the Ohio rivers—referred to the Committee on Commerce.

Petitions of the Carriage Builders' National Association of Wilmington, Del.; of the executive committee of the Travelers and Merchants' Association of Baltimore, Md.; of the New England Shoe and Leather Association, of Boston, Mass.; of the Commercial Association of Danville, Va., and of W. A. Cutler and sundry other citizens of Toledo, Ohio, praying for the enactment of legislation to enlarge the power of the Interstate Commerce Commission—referred to the Committee on Interstate Commerce.

A petition of the Congregational Association of the Territory of Hawaii, praying that an investigation be made into the existing conditions in the Kongo Free State—referred to the Committee on Foreign Relations.

A petition of the Union League Club of New York City, praying for the enactment of legislation providing for the appointment of a commission to investigate the question of the conditions of manufacture as affected by the tariff—referred to the Committee on Finance.

Petitions of sundry citizens of St. Louis, Mo., of the Bar Association of Chicago, Ill., of the Bar Association of Los Angeles, Cal., of the People's Institute of New York City, and of the United States Export Association of New York City, praying for the ratification of international arbitration treaties—referred to the Committee on Foreign Relations.

Mr. PENROSE presented a petition of the Pennsylvania Dairy Union, praying for the passage of the so-called "pure-food bill," which was ordered to lie on the table.

He also presented a petition of sundry citizens of West Alexander, Pa., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Philadelphia, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Richland, Ariz., and New Berlin, all in the State of Pennsylvania, praying for the enactment of legislation providing more stringent laws and regulations governing immigration; which were referred to the Committee on Immigration.

Mr. FAIRBANKS presented a petition of Echo Lodge, No. 157, Brotherhood of Locomotive Engineers, of Peru, Ind., and a petition of Local Division No. 246, Brotherhood of Locomotive Engineers, of Evansville, Ind., praying for the passage of the so-called "employers' liability bill," which was referred to the Committee on Interstate Commerce.

Mr. BLACKBURN presented a petition of Hanging Rock Division Lodge, No. 363, Brotherhood of Locomotive Engineers, of Somerset, Ky., praying for the passage of the so-called "employers' liability bill," which was referred to the Committee on Interstate Commerce.

Mr. BATE presented a petition of Holston Division, No. 239, Brotherhood of Locomotive Engineers, of Knoxville, Tenn., praying for the enactment of legislation granting pensions to locomotive engineers during the war of the rebellion; which was referred to the Committee on Pensions.

Mr. HALE presented a petition of the Baptist Society and the Free Baptist Society; of the Methodist Society; the Woman's Christian Temperance Union; the Orient Grange, Patrons of Husbandry; the Corinthia Ladies' Literary Club; the Noble Grand of Corinthian Lodge, Independent Order of Odd Fellows; Noble Grand of Diamond Lodge, Order of Rebekahs, and of the leader of John Morison Band, all of Corinth, in the State of Maine, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PROCTOR presented the petition of Lucretia A. Owen and sundry other citizens of East Hardwick, Vt., praying for the passage of the so-called "pure-food bill," which was ordered to lie on the table.

Mr. GALLINGER presented the petition of Mrs. E. H. Pearson, of Epping, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Epping, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented memorials of sundry citizens of the District of Columbia, remonstrating against the enactment of legislation

providing for the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. DRYDEN presented a petition of sundry citizens of River-ton, N. J., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Burlington County board of agriculture, of New Jersey, remonstrating against the repeal of the so-called "Grout oleomargarine bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Woman's Christian Temperance unions of Pemberton, Haddonfield, and Lumberton, all in the State of New Jersey, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were ordered to lie on the table.

He also presented memorials of the congregation of the Methodist Episcopal Church of Pemberton, of the Woman's Christian Temperance Union of Montclair, of the Woman's Christian Temperance Union of Pensauken, of the congregation of the Methodist Episcopal Church of Saccasunna, of the Young Woman's Christian Temperance Union of Roseville, of the Woman's Christian Temperance Union of Bloomfield, of the Young Woman's Branch of the National State Woman's Christian Temperance Union, and of the congregation of the Protestant Episcopal Church of Saccasunna, all in the State of New Jersey, remonstrating against the repeal of the present anticanon law; which were referred to the Committee on Military Affairs.

Mr. KNOX presented a petition of the Woman's Christian Temperance Union of Scranton, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Congregational Ministers' Union of Philadelphia, Pa., and a petition of the Lutheran Ministers' Union of Philadelphia, Pa., praying that an investigation be made into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented the petition of C. R. Woodruff and sundry other citizens of Philadelphia, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented petitions of Patriotic Order Sons of America, of Tremont, Pittston, Palmyra, Glasgow, Aristes, and Richland, all in the State of Pennsylvania, praying for the enactment of legislation to restrict the immigration of aliens into the United States; which were referred to the Committee on Immigration.

He also presented a petition of the Grain and Flour Exchange, of Pittsburg, Pa., and a petition of the Receivers and Shippers' Association, of Cincinnati, Ohio, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Pennsylvania State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for an increase in the income of the agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Federal Woman's Equality Association, of Washington, D. C., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented petitions of 83 members of the Presbyterian Church of Freeland; of the Northeast Branch of the Philadelphia Christian Endeavor Union, of Philadelphia; of J. F. Sutherland and sundry other citizens of West Alexander; of Rev. James W. Boal, of Center Hall; the Trinity Lutheran Christian Endeavor Society, of Philadelphia; of A. S. Wing, of Philadelphia; the Christian Endeavor Society of the Patterson Methodist Episcopal Church, of Philadelphia; of John Way, of Lansdowne; Francis W. Hicks, of Avondale; Eliza R. Miner, of Wilkesbarre; Whitson Gause, of Strasburg; S. R. Yarnall, of Germantown; M. S. Fischer, of Philadelphia; D. T. Alsop, of Haverford; all in the State of Pennsylvania, and of the Indian Territory Church Federation, of Muscogee, Ind. T., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Delaware County; of Josephine Boutellier, of Philadelphia; O. T. Pancoast, of Chester; C. C. Wilson, of Philadelphia; Mary M. Cohen, of Philadelphia; Mary W. L. Middleton, of Philadelphia; Alexander Henry, of Philadelphia; C. C. Davis, of Philadelphia; A. E. Hunsburger, of Philadelphia; A.

B. Stubbs, of Merion; Emerson Club, of Philadelphia; John C. Young, of Philadelphia; M. L. Shoenberger, of Philadelphia; J. B. Huey, of Philadelphia; the Young Ladies' Auxiliary, Presbyterian Home for Aged Couples, of Bala; L. C. Roberts, of Philadelphia, and Daniel P. Martin, of Philadelphia, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BAILEY presented a petition of sundry citizens of Texas, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the board of supervisors of Gila County, Ariz., remonstrating against the union of Arizona and New Mexico as one State; which was ordered to lie on the table.

Mr. McENERY presented sundry papers to accompany the bill (S. 4458) for the relief of William Browne Millican, of East Feliciana Parish, La.; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 4972) for the relief of Blaize Motte, of St. Landry Parish, La.; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 4973) for the relief of the estates of Alexis Hebert and Henry Vedrimes, of Iberia Parish, La.; which were referred to the Committee on Claims.

Mr. PERKINS presented sundry papers to accompany bill S. 6269; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. BLACKBURN, from the Committee on Military Affairs, to whom was referred the bill (S. 2343) for the relief of James McElroy, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 16160) granting to Farwell, Ozmun, Kirk & Co. license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6159) granting to Farwell, Ozmun, Kirk & Co. license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn., reported adversely thereon, and the bill was postponed indefinitely.

Mr. GIBSON, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 11584) for the protection of wild animals and birds in the Wichita Forest Reserve, reported it without amendment, and submitted a report thereon.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (S. 6337) for the establishment of sub-ports of entry at Rouses Point and Malone, N. Y., reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 16992) to authorize the county of Sunflower to construct a bridge across the Sunflower River, Mississippi, reported it without amendment.

Mr. KITTREDGE, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture, reported it with an amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 656) providing for the retirement of petty officers and enlisted men of the Navy, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 16582) to authorize the Union Trust and Storage Company to change its corporate name, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6139) to authorize the Union Trust and Storage Company of the District of Columbia to change its corporate name, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 69) to provide for the loan of obsolete rifles, together with belts and bayonets, to posts of the Grand Army of the Republic and organizations of Sons of Veterans, reported it with amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 5944) repealing an act entitled "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions, so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866, reported it without amendment, and submitted a report thereon.

Mr. GORMAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3343) to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia, reported it with an amendment, and submitted a report thereon.

REPORT OF THE COMMISSIONER-GENERAL OF IMMIGRATION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. DILLINGHAM on the 10th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed in paper covers, at the Government Printing Office, 5,500 additional copies of the annual report of the Commissioner-General of Immigration for the year ending June 30, 1904, with illustrations, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives, and the remaining 2,500 copies shall be delivered to the Bureau of Immigration for distribution.

REPORT OF COMMISSIONER OF CORPORATIONS.

Mr. PLATT of New York. From the Committee on Printing I report back the concurrent resolution of the Senate providing for printing 10,000 copies of the report of the Commissioner of Corporations covering the period from the organization of the Bureau to June 30, 1904, together with the amendment of the House of Representatives striking out the latter clause of the resolution, in the following words:

Including therein the statement of the case and the opinion of the court in *Paul against Virginia* (8 Wall, p. 168), and the statement of the case, the opinion of the court, and the dissenting opinion in *United States against E. C. Knight Company* (158 U. S., p. 1).

I move that the Senate insist upon its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses.

Mr. BAILEY. My attention was diverted at the moment. I should like to inquire what is the amendment?

Mr. PLATT of New York. It is simply to strike out the provision for printing the opinion of the court.

The PRESIDING OFFICER. The Senator from New York moves that the Senate nonconcur in the amendment made by the House of Representatives and that a committee of conference be requested on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. PLATT of New York, Mr. ELKINS, and Mr. GORMAN were appointed.

PRINTING AND DISTRIBUTION OF DOCUMENTS.

Mr. PLATT of New York. I ask unanimous consent to call up the bill (H. R. 15225) to amend the act relating to the printing and distribution of public documents, and for other purposes.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

Mr. PLATT of New York. It has been read.

The PRESIDING OFFICER. The bill was reported from the Committee on Printing with amendments. The first amendment of the committee will be read.

The Secretary read the first amendment of the committee, which was, on page 1, after line 8, to strike out all of the bill down to and including line 4, on page 2, and to insert, etc.

Mr. SPOONER. Is the bill called up for action at this time?

The PRESIDING OFFICER. It is. It was called up by the senior Senator from New York.

Mr. PLATT of New York. It was unanimously reported from the Committee on Printing, and there is no objection to it.

Mr. SPOONER. I should like to have it go over for the time being. I wish to examine it.

Mr. PLATT of New York. It is a reduction in printing from one end of the schedule to the other.

Mr. SPOONER. That is, of the reports on private claims?

The PRESIDING OFFICER. Objection being made to the present consideration of the bill, it will go over under the rule.

Mr. SPOONER. I do not care to have it go over under the rule. I ask that it may be temporarily laid aside without losing its place, so that I may look at it.

The PRESIDING OFFICER. The bill will retain its place.

REGULATION OF PRACTICE OF MEDICINE AND SURGERY.

Mr. GALLINGER. I report back favorably without amendment, from the Committee on the District of Columbia, the bill (H. R. 15320) to amend "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," approved June 3, 1896. I will say that a few days ago the Senate, upon an explanation made by me, passed a bill in identical terms, and for that reason I venture to ask unanimous consent for the present consideration of the House bill.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I think it might be well to have the Senate bill recalled from the House. I do not know exactly the procedure.

The PRESIDING OFFICER. The Chair is informed that the number of the Senate bill is 5359.

Mr. GALLINGER. I move that the House be requested to return Senate bill 5359 to the Senate.

The motion was agreed to.

BUSINESS OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Mr. President, at the meeting of the Committee on the District of Columbia this morning a very large amount of business was found on the table, and a large number of reports were ordered made. At the suggestion of members of that committee, I wish to call the attention of the Senate to the fact that in the other House they have one day each two weeks for the consideration of District of Columbia business. At the last session the Senate kindly granted, upon my request, I think, two or three hours of a day for the consideration of bills coming from the District of Columbia Committee, and I rise to ask if there is any objection to two or three hours being given this committee, say, on Monday next, after the routine morning business.

Mr. BAILEY. I suggest that the Senator make it Saturday, so that those of us who do not care to serve in the capacity of city councilmen may go their way.

Mr. GALLINGER. I will change the request to Saturday.

Mr. PLATT of Connecticut. Of next week?

Mr. GALLINGER. Of the present week.

Mr. GORMAN. To-morrow.

Mr. GALLINGER. To-morrow. I ask that the committee be given three hours after the conclusion of the routine morning business to-morrow.

Mr. GORMAN. Why not take the whole day? There are a great number of bills that should be considered.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from New Hampshire to the fact that there is a special order for to-morrow after the morning business.

Mr. BAILEY. Then I withdraw the suggestion against Monday.

Mr. GALLINGER. Then I will make the request that on Monday next, at such time after the routine morning business—

Mr. LONG. The special order is for a week from to-morrow.

Mr. COCKRELL. What is the special order for to-morrow?

Mr. GALLINGER. The special order is not for to-morrow, but for one week from to-morrow.

The PRESIDING OFFICER. The error has been discovered; therefore the order will stand for to-morrow, if there be no objection.

Mr. KEAN. What is the order?

Mr. GALLINGER. The Senator from Maryland suggests why not give the afternoon. If it is necessary for the committee to have that much time, it would be very agreeable to the chairman of the committee to have the Senate grant the afternoon.

Mr. GORMAN. I trust the chairman will modify his request to that extent; and then, if the business of the Committee on the District of Columbia is disposed of, we can go on and consume the balance of the day with Senate bills on the Calendar. If we do not consider those bills at an early day they may not have consideration at all, for there will not be time elsewhere. I trust the Senator will ask for the day to-morrow.

Mr. GALLINGER. I will ask for the day, after the routine morning business.

Mr. COCKRELL. I ask if that would exclude any other busi-

ness to-morrow, in case the bills relating to the District of Columbia were disposed of in a short time?

Mr. GALLINGER. Such portion of the day, I will then say, as may be necessary to consider bills on the Calendar from the Committee on the District of Columbia.

Mr. COCKRELL. Let the agreement be made to consider them to-morrow, and then, after they are through—if they are through in time—to consider other bills on the Calendar.

Mr. GALLINGER. Certainly; we can proceed to the Calendar afterwards.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. NEWLANDS. I should like to inquire of the chairman of the Committee on the District of Columbia whether it is his intention to bring up to-morrow the bill relating to the extension of the Great Falls and Old Dominion Railroad?

Mr. GALLINGER. I know of no reason why that bill should not be considered, if it is reached.

Mr. NEWLANDS. To-morrow?

Mr. GALLINGER. To-morrow.

Mr. BAILEY. As a friend of the court, I suggest if they get to that bill very early they are not apt to get to any other bill during the day.

Mr. GALLINGER. Of course, I do not—

Mr. BAILEY. I do not make that as a threat, merely as a prediction.

Mr. GALLINGER. I am very glad it is not made as a threat, because, of course, I expect that bill will be considered on its merits. I did not report it, I will say to the Senator.

Mr. NELSON. I trust the Senator from New Hampshire will modify his request to this extent, that it shall not displace the statehood bill?

Mr. GALLINGER. Oh, certainly; certainly.

Mr. NELSON. I ask to have that modification made, that the order shall not interfere in any manner with the statehood bill.

Mr. GALLINGER. The statehood bill will be laid aside temporarily.

The PRESIDING OFFICER. With that modification, is there objection to the request of the Senator from New Hampshire?

Mr. BEVERIDGE. Did the Senator's request extend further than the consideration of District of Columbia matters?

Mr. GALLINGER. To other bills, if there is time.

Mr. BEVERIDGE. The Senator means bills on the Calendar?

Mr. GALLINGER. Yes. The statehood bill would come up at 2 o'clock and be temporarily laid aside.

Mr. BEVERIDGE. I would be very glad to consent to its being temporarily laid aside to-morrow afternoon for the purpose of considering District of Columbia matters, but no further; so that after that we may proceed with the unfinished business. That will cover all the Senator from New Hampshire wants to accomplish.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. BURROWS. I wish to inquire whether the effect of this order, if made, would be to do away with an objection to the consideration of a bill?

The PRESIDING OFFICER. The Chair thinks so.

Mr. BURROWS. Would one objection carry a bill over?

Mr. GALLINGER. I wish it to be understood that I ask consent that we shall proceed to the consideration of these bills, not under Rule VIII, but that we shall consider them with a view of debating and acting upon them.

The PRESIDING OFFICER. The Senator from New Hampshire, on behalf of the District of Columbia Committee, asks unanimous consent that on Saturday afternoon, after the morning business, the Senate shall proceed to the consideration of District of Columbia bills.

Mr. GALLINGER. Under Rule IX.

The PRESIDING OFFICER. Under Rule IX.

Mr. BEVERIDGE. That is for to-morrow afternoon?

The PRESIDING OFFICER. For to-morrow afternoon.

Mr. BEVERIDGE. And for that purpose the unfinished business will be temporarily laid aside. That is satisfactory.

The PRESIDING OFFICER. Is there objection?

Mr. BURROWS. I understand from the statement of the Senator from New Hampshire, in conjunction with the statement from the Chair, that a single objection will not carry a bill over?

The PRESIDING OFFICER. Under Rule IX a bill is subject to debate the same as the statehood and other bills regularly before the Senate.

Mr. BURROWS. I understand that one objection would not prevail?

The PRESIDING OFFICER. It would not prevail.

Mr. BURROWS. Then I shall object to the request unless the Senator will except Senate bill 2833, Order of Business 1797.

Mr. LODGE. What bill is that?

Mr. BURROWS. The bill to extend the Great Falls and Old Dominion Railroad Company into and within the District of Columbia. I will say to the Senator from New Hampshire, in view of the statement made by the Senator from Texas [Mr. BAILEY], that not much business will be done after reaching that bill, and it would be better to except it from the order.

Mr. GALLINGER. Mr. President, this is a most extraordinary attitude for Senators to place themselves in. I shall make no exception of any bill reported by the Committee on the District of Columbia. If we have this privilege granted us we will take up the bills in order and they will be considered in order, and no suggestion or threat from the Senator from Michigan or any other Senator will deter me from that ordinary procedure.

Mr. BURROWS. I will say in reply to the Senator that the Senator from Michigan made no threat and said nothing that may be construed as a threat. I merely suggested that I would like to have the order modified so as not to include that bill, which will evidently take a good deal of time.

Mr. GALLINGER. My response to that suggestion is that, while I did not serve as a member of the subcommittee which reported that bill to the full committee, and it is in charge of another Senator, nor did I introduce the bill, if factious opposition is to be presented to that bill and we are to be served with notice that we will not be permitted to consider it, in due time and at a proper time the sense of the Senate will be tested upon a motion as to whether or not it will give consideration to the bill.

Mr. BAILEY. The Senator from New Hampshire is not as polite as he usually is, and he evinces a feeling over this matter that does not become either him or the Senate. Nobody has threatened the Senator from New Hampshire with any factious opposition to that bill. In the interest of progressing with the business of the Committee on the District of Columbia, I made the friendly and pleasant suggestion that inasmuch as that bill would be apt to provoke a controversy, if the Senate was asked to enter upon its consideration, the day which I was perfectly willing to see given to the District of Columbia would be wasted.

I know myself nothing about the merits of that bill. I frankly say that I have not examined it. But no longer than this morning the mail brought me a very earnest remonstrance against it, forwarded to me from a former pupil of an institution of learning in this city, in which it is set forth at some length that the proposed road would be a very great injury to the property.

Now, assuming that other Senators have been receiving similar protests, and assuming that there is merit in the protest, I concluded that the consideration of that bill would probably prevent the consideration of other bills; and I am not, because of a friendly suggestion, to be put in the attitude of making factious opposition to a bill the merits of which I have not examined and do not pretend to understand.

I think the Senator from New Hampshire, on reflection, will not be willing to put me in that position. He will recall that I said in a jocular way that it was not a threat, but a prediction, and it was made without any idea of deterring the Senator or his committee from bringing up for consideration in the Senate a measure that their judgment might direct. But inasmuch as I was taking part in the colloquy, looking to fixing a day, I repeat that I believe the bill will provoke opposition that would seriously interfere with the Senator's programme, and I wish to say that that belief is based upon the fact that, as for myself, I should want to examine it, having been appealed to in a way that entitles respectful consideration, and I suppose other Senators would feel the same way.

Now, I wish to say that the business of the District of Columbia Committee is the one business which engages the attention of the Senate in which I never take any part. Some of us must, perhaps all of us ought; but I have very little taste for acting in the capacity of a city councilman or a member of a board of aldermen. I have not, either in the other House or in this, given any particular attention to the business of the District of Columbia, and for having interposed a friendly suggestion I am not willing to be put in the attitude of making a factious opposition to a bill that I know nothing about.

Mr. GALLINGER. Mr. President, the Senator from New Hampshire had no intention of being other than courteous. He appreciates the position the Senator from Texas took. And yet notice was served upon the Senate that if one particular

bill was reached no other business would be done. I do not think that was courteous.

And, Mr. President, that is done in advance of knowledge on the part of Senators. Amendments are to be offered to the bill. An amendment will be offered that I think will obviate the objection the Senator's correspondent makes to the bill. I understand that the good lady who runs that school, and who is entitled to great consideration, is having the graduates from the school write Senators. I have such letters myself from the States of Indiana and Wisconsin, I believe. We all understand how that sort of thing is done. It is the intention to offer an amendment that in my judgment will obviate any reasonable objection that that good lady could make to the bill.

For that and other reasons it has seemed to me that we ought not in advance to say that any particular bill should be excluded from consideration. If this leave is granted and of course if strong opposition should develop, it is very likely the chairman would have sense enough to withdraw it and ask the Senate to proceed to the consideration of some other bill. But in advance the chairman of the committee of course could not agree to that proposition.

Now, Mr. President, I have had no intention of being discourteous to either the Senator from Texas or the Senator from Michigan.

Mr. HALE. Will the Senator allow me?

Mr. GALLINGER. Certainly. This is all I care to say. If leave is granted I will be gratified. If not, of course I will submit, as I must submit.

Mr. HALE. I wish to say to the Senator from New Hampshire that this is a matter in which we are all interested. There is very serious opposition to the proposed cross-town road upon M street. It is a sincere opposition and it will make itself, in a proper way, known whenever the bill comes up.

I wish to make a suggestion to the Senator from New Hampshire, who is an eminently practical legislator. I do not want to say pleasant things to his face, because he does not require that, but he manages his committees well; he gets things through. I suggest to him in view of what is the real and serious objection to this one bill on the Calendar that he does not lose any of the authority or dignity which belongs to the chairman of a committee, when making a request to consider the docket of that committee, to leave out a single bill to which there are very grave objections. I know I have done that more than once in trying to get the business of committees that I have had in charge through. I have made propositions that a day shall be given to a certain class of bills, barring the consideration of some bill that I knew would involve a contest.

I join with the other Senators in saying whenever that bill does come before the Senate it will meet with opposition; but we do not say it in any menacing way, only suggesting to the Senator that to get the business along we will help him if he does not seek to bring that bill up on that particular day. I think that is about all there is of it.

Mr. BAILEY. Mr. President, I rose to say what the Senator from Maine [Mr. HALE] has said so much better than I could have done; and I will only add that repeatedly I have witnessed conditions where there were a number of bills absolutely free from objection blocked by a bill that provoked controversy, and in order to reach some action with reference to bills free from every objection, Senators have agreed to take either for all time, or for the time, the controverted measure out of the way. That is all I meant to say.

The Senator from New Hampshire [Mr. GALLINGER] will understand that if we were to reach on the Calendar a bill affecting the tariff, it would be no threat, and certainly intended as no discourtesy, to say to the Senator in charge of the matter, "This bill will provoke debate, and in order that we may dispose of those bills which will not be debated, I ask that this be laid aside." That was the whole purpose I had in mind.

Mr. MARTIN. Mr. President—

Mr. GALLINGER. A single word, if the Senator from Virginia will permit me.

Mr. MARTIN. Certainly.

Mr. GALLINGER. Mr. President, this bill was reported on the 2d day of April, 1904, by the Senator from North Dakota [Mr. HANSEBROUGH], and has been on the Calendar ever since. That is a long time; and the bill ought at some time to receive consideration. It is pretty hard to resist an appeal from the Senator from Maine [Mr. HALE], as we all know, and I regret that I have got to resist the appeal he made just now.

If I am correctly informed, the first street railroad in Washington was "held up" for two years because the people on Pennsylvania avenue insisted that it would destroy their prop-

erty, and since I have been a member of the Committee on the District of Columbia, now thirteen years, I know of no street railroad that has been laid down in the city of Washington that has not been protested against by the owners and occupants of property along the route; but I do not know now, Mr. President, of a single street railroad in the city of Washington that could be torn up without a riot.

The citizens of M street are following the usual precedent. They are protesting; they are protesting in good faith, I have no doubt; and their protests are entitled to be heeded; but the committee, in its judgment, unanimously, as I remember, thought that this bill ought to be reported and at least considered, and therefore I, as chairman of that committee, certainly without consulting with other members of the committee, do not feel at liberty to except that bill from the regular consideration.

Mr. MARTIN. Mr. President, I realize that there are times when contested matters should give place and permit the great bulk of uncontested matters to have consideration; but it does seem to me that this disposition in the Senate to consider nothing but uncontested measures is being observed to too great an extent. Everybody knows that this bill will provoke discussion; everybody knows that there is opposition to it; but that is no reason why the Senate should not consider it. It seems to me that the matters which are controverted are entitled to an opportunity to have the attention and consideration of the Senate, and under the request which was made by the Senator from New Hampshire [Mr. GALLINGER] nothing would be done which would debar full discussion and fair consideration of this measure. Its consideration can not be suppressed by objections of this character.

If we can not by unanimous consent have a day set for the consideration of District of Columbia measures, contested as well as uncontested, this bill will be brought to the attention of the Senate at a very early day by a motion to proceed with its consideration. So very little will be gained, it seems to me, by the objection which comes from the Senator from Michigan [Mr. BURROWS]. If this bill is not meritorious the Senator ought to be and will be able to demonstrate that fact to the Senate. Of course there will be a few individual interests injured, as is always the case by a great public improvement. This is a matter of great public interest, of great importance, in my judgment, for the welfare of this city. The few private interests which will be injured by its establishment must give way, as private interests are always required to be subordinated to the public welfare.

I simply desire to say that I feel that contested matters which have been reported from the Committee on the District of Columbia are entitled to the consideration and action of this body as well as uncontested matters, and if we can not have consideration by fixing a day by unanimous consent, very early a motion will be made to proceed to the consideration of this bill.

The PRESIDING OFFICER. The Secretary will read the request of the Senator from New Hampshire [Mr. GALLINGER]. The Secretary read as follows:

Resolved, That on Saturday, January 14, 1905, immediately after the completion of the routine morning business, the Senate proceed to the consideration, under Rule IX, of bills upon the Calendar reported from the Committee on the District of Columbia, such special order not to displace the unfinished business, House bill 14749.

Mr. BEVERIDGE. That, I understand, applies to Saturday only.

Mr. BURROWS. Mr. President, having ascertained that a single objection would not take this bill over under the proposed order, it seems to me that the request I have made is entirely reasonable. There is a very large number of bills reported from that very able committee which, of course, will occasion but very little discussion—important measures which can be readily passed.

It is perfectly evident that this particular bill will provoke discussion, and, as a result, will practically nullify the order so far as the dispatch of business is concerned. I do not say this as a matter of threat—no one has done that—but I agree with the Senator from Maine [Mr. HALE] that to eliminate this bill, which will evidently occasion debate, will facilitate the business of that committee. If it be true, as it is, as suggested by the Senator from Virginia [Mr. MARTIN], that this bill can be taken up as a separate measure upon motion, and that such a motion will be made at a very early day unless it is included in this order, I do not see how anything will be lost by excepting this bill from the order. Unless that is done I shall feel constrained for the time being to object.

The PRESIDING OFFICER. Objection is made, and the re-

quest goes over. The introduction of bills and joint resolutions is now in order.

STATUE OF FRANCES E. WILLARD.

Mr. WETMORE. I am directed by the Committee on the Library, to whom was referred yesterday the letter of the governor of Illinois in regard to the acceptance by Congress, on a date to be fixed, of the statue of Frances E. Willard, to report it back, and I ask that it may lie on the table.

The PRESIDING OFFICER. The Committee on the Library will be discharged from the further consideration of the communication of the governor of Illinois.

Mr. CULLOM. I ask that the letter be laid on the table for the time being. I shall call it up at some future day.

The PRESIDING OFFICER. The request of the senior Senator from Illinois will be agreed to, and the communication will lie on the table subject to his call.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. McCOMAS introduced a bill (S. 6571) granting an increase of pension to John Van Lear; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 6572) to establish a fish-cultural station in the State of Illinois; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. ALGER introduced a bill (S. 6573) granting a pension to Annie Farley Keith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 6574) authorizing the sale, with the consent of the Indians and for their benefit, of allotted lands not required for homesteads; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 6575) for the disposition and control of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GAMBLE introduced a bill (S. 6576) granting an increase of pension to Carrie M. Cleveland; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DIETRICH introduced a bill (S. 6577) granting an increase of pension to Philo J. Green; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6578) granting an increase of pension to Josiah Pearson;

A bill (S. 6579) granting an increase of pension to J. W. Foley; and

A bill (S. 6580) granting an increase of pension to Melissa E. Nelson.

Mr. McCREARY introduced a bill (S. 6581) granting an increase of pension to Mollie Tarvin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6582) granting an increase of pension to Ezekiel Vincent; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 6583) making the granting of a land warrant prima facie evidence of service in the adjudication of claims for pension under the acts of July 27, 1892, and June 27, 1902; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 6584) to incorporate the trustees of the Grand Encampment of Knights Templar of the United States of America; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6585) granting an increase of pension to Lyman Marsh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 6586) granting an increase of pension to Laura E. Campbell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6587) for the relief of the estate of Phillip Poete, deceased;

A bill (S. 6588) for the relief of the estate of H. Pierce, deceased;

A bill (S. 6589) for the relief of the heirs of Cyrus Ratliff, deceased;

A bill (S. 6590) for the relief of the estate of Jean Baptiste Rabot, deceased; and

A bill (S. 6591) for the relief of the estate of John A. Rignes, deceased.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6592) for the relief of the estate of George Neck, sr., deceased;

A bill (S. 6593) for the relief of the heirs of Jabez Tanner, deceased, and estates of Z. York and Elias J. Hoover, deceased; and

A bill (S. 6594) for the relief of the estate of Jean Marie Tatin, deceased.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6595) for the relief of the heirs of Mary Everitt, deceased;

A bill (S. 6596) for the relief of John Wise; and

A bill (S. 6597) for the relief of T. L. Love, surviving partner.

Mr. NELSON introduced a bill (S. 6598) to amend the act of February 17, 1898, relating to navigation; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PERKINS (for Mr. FRYE) introduced a bill (S. 6599) granting a pension to Pearl M. Welch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6600) granting prize money to George W. Cromis; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6601) granting an increase of pension to W. L. Johnston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 6602) granting an increase of pension to David M. Lemon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 6603) for the relief of Laura J. Dills; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6604) for the relief of the trustees of the Methodist Episcopal Church South, of Clarksville, Johnson County, Ark.; which was read twice by its title, and referred to the Committee on Claims.

Mr. KITTREDGE introduced a bill (S. 6605) granting an increase of pension to Simeon V. Sherwood; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER of Louisiana introduced a bill (S. 6606) for the relief of the heirs of Anna Holmes Bernard, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a joint resolution (S. R. 89) authorizing the Secretary of War to transfer to the militia cavalry organization at Chattanooga, Tenn., a certain unused portion of the national cemetery reservation at Chattanooga, Tenn.; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. BLACKBURN submitted an amendment providing for the payment of the claim of Liliuokalani, formerly Queen of the Kingdom of Hawaii, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

GREAT FALLS AND OLD DOMINION RAILROAD COMPANY.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 9166) to authorize the extension, construction, and operation of the Great Falls and Old Dominion Railroad Company into and within the District of Columbia; which, with the accompanying paper, was ordered to lie on the table, and be printed.

AMENDMENT TO STATEHOOD BILL.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was ordered to lie on the table, and be printed.

AMENDMENT TO DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. KNOX submitted an amendment proposing to appropriate \$1,500 for salary of consul at Port Deitrick, Nicaragua, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

PRINTING AND DISTRIBUTION OF DOCUMENTS.

Mr. PLATT of New York. I now ask unanimous consent for the consideration of the bill (H. R. 15225) to amend the act relating to the printing and distribution of public documents, and for other purposes. It is the bill which was up for consideration this morning, and was laid aside for a few moments.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The first amendment of the Committee on Printing was, in section 1, on page 1, after line 8, to strike out down to and including line 4, on page 2, in the following words:

That hereafter the "usual" number of reports on private bills, concurrent or simple resolutions, shall not be printed. In lieu thereof there shall be printed of each Senate and House report on a private bill, simple or concurrent resolution, 260 copies, which shall be distributed as follows: To the Senate document room, 135 copies; to the Secretary of the Senate, 15 copies; to the House document room, 100 copies; to the superintendent of documents, 10 copies.

And in lieu thereof to insert:

That hereafter the usual number of reports on private bills, concurrent or simple resolutions, shall not be printed. In lieu thereof there shall be printed of each Senate report on a private bill, simple or concurrent resolution, 345 copies, which shall be distributed as follows: To the Senate document room, 220 copies; to the Secretary of the Senate, 15 copies; to the House document room, 100 copies; to the superintendent of documents, 10 copies; and of each House report on a private bill, simple or concurrent resolution, 260 copies, which shall be distributed as follows: To the Senate document room, 135 copies; to the Secretary of the Senate, 15 copies; to the House document room, 100 copies; to the superintendent of documents, 10 copies. *Provided*, That nothing contained in this act shall be construed to prevent the binding of all Senate and House reports in the reserve volumes bound for and delivered to the Senate and House libraries.

Mr. SPOONER. I move to amend the amendment in section 1, page 2, line 23, after the word "libraries," by inserting the following proviso:

Provided, That not less than twelve copies of each report on bills for the payment or adjudication of claims against the Government shall be kept on file in the Senate document room.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Printing was, in section 2, page 3, line 6, to strike out:

There shall be printed of each Senate and House private bill 250 copies, which shall be distributed as follows: To the Senate document room, 135 copies; to the Secretary of the Senate, 15 copies; House document room, 100 copies.

And to insert:

There shall be printed of each Senate private bill, when introduced, when reported, and when passed, 300 copies, which shall be distributed as follows: To the Senate document room, 170 copies; to the Secretary of the Senate, 15 copies; to the House document room, 100 copies; to the superintendent of documents, 10 copies. There shall be printed of each House private bill, when introduced, when reported, and when passed, 260 copies, which shall be distributed as follows: To the Senate document room, 135 copies; to the Secretary of the Senate, 15 copies; to the House document room, 100 copies; to the superintendent of documents, 10 copies.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 6, before the word "concurrent," to strike out "private bills;" so as to read:

Of concurrent and simple resolutions, when reported, and after their passage by either House, only 260 copies shall be printed, except by special order, and the same shall be distributed as follows: To the Senate document room, 135 copies; to the Secretary of the Senate, 15 copies; to the House document room, 100 copies; to the superintendent of documents, 10 copies.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PENSIONS TO FAMILIES OF INDIAN POLICEMEN.

The PRESIDING OFFICER. Resolutions are in order. If there be no concurrent or other resolutions, the routine morning business is closed, and the Calendar under Rule VIII is in order.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (S. 3783) for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PETTUS. Mr. President, is there a report accompanying that bill?

Mr. McCUMBER. The report is somewhat lengthy, and possibly it would be better that I should make a statement of the conditions surrounding this bill. The bill is for the purpose of granting—

Mr. PETTUS. What committee reported the bill?

Mr. McCUMBER. It has been reported from the Committee on Pensions.

Mr. BATE. Let us have the report read.

Mr. McCUMBER. I have no objection, Mr. President, to the reading of the report. I simply suggested that it is a somewhat lengthy report.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report submitted by Mr. McCUMBER, from the Committee on Pensions, on March 7, 1904.

Mr. CULLOM. The report, as was said by the chairman of the committee who made it, seems to be quite long, and if he could make a brief statement comprehending the facts, I think it would be just as satisfactory to the Senate and probably save time. I make that suggestion, if there is no opposition to it.

Mr. BATE. There is no objection to reading the report.

Mr. CULLOM. The only objection is that it is a lengthy one, and I thought the chairman of the committee could probably state the facts much more briefly.

Mr. BATE. I do not want to be tenacious about it, but I think this is one of the cases in which the report ought to be read.

The PRESIDING OFFICER. The Senator from Tennessee asks for the reading of the report. It is in order. The reading of the report will be resumed.

The Secretary resumed the reading of the report.

Mr. BATE. I will not insist on my request.

Mr. COCKRELL. I ask that the remainder of the letter from which the Secretary is now reading be read.

The Secretary resumed and concluded the reading of the letter of T. J. Morgan, Commissioner of Indian Affairs, dated April 12, 1892.

The report in full is as follows:

[To accompany S. 3783.]

Your committee to whom was referred the bill (S. 3783) for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement, submits the following:

The Secretary of the Interior, in a letter dated April 21, 1892, transmitted, with a request for favorable action by Congress, a copy of a communication from the Commissioner of Indian Affairs relative to the granting of pensions to certain Indians of the Standing Rock Agency and a draft of a bill to carry the same into effect. The bill herein reported is in the form submitted by the Secretary of the Interior. The following is the letter from the Secretary of the Interior and all correspondence relating to this matter, the same having been published as Senate Executive Document No. 84, Fifty-second Congress, first session:

DEPARTMENT OF THE INTERIOR,
Washington, April 21, 1892.

SIR: I have the honor to transmit herewith, with request for favorable action by Congress, copy of a communication of 12th instant from the Commissioner of Indian Affairs, relative to the granting of pensions and medals to certain Indians of the Standing Rock Agency, together with copies of correspondence relating thereto and drafts of bills to carry the same into effect.

Inasmuch as the Indian policemen for whose benefit legislation is asked were at the time a part of the military force under immediate command of General Ruger and Colonel Drum, and their service was demanded and directed solely in accordance with orders of the military authority, which, by special order of the President, had control of this and other military movements, due deference should be paid to the commendation of these officers.

The killing of Sitting Bull was neither demanded nor directed by the Department of the Interior or under its direction.

I have the honor to be, very respectfully,

JOHN W. NOBLE, Secretary.

The PRESIDING OFFICER.

A bill for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pen-

sion laws, the names of the following Indians, and pay each of them a pension at the rate of \$15 per month from the date of the passage of this act, namely:

Mary Bullhead, widow of Henry Bullhead, late Lieutenant, United States Indian police, Standing Rock Agency, N. Dak.

Annie Shavehead, widow of Charles Shavehead, late sergeant, United States Indian police, Standing Rock Agency, N. Dak.

Shell Pipe (Mrs. James Littleeagle), widow of James Littleeagle, late sergeant, United States Indian police, Standing Rock Agency, N. Dak.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the names of the following Indians, and pay each of them a pension at the rate of \$10 per month from the date of the passage of this act, namely:

Catherine Akicitch, widow of Paul Akicitch, late private, United States Indian police, Standing Rock Agency, N. Dak.

Red Deer (Mrs. Hawkman), widow of Hawkman No. 1, late private, United States Indian police, Standing Rock Agency, N. Dak.

Edward Armstrong, son of John Armstrong, deceased, late private, United States Indian police, Standing Rock Agency, N. Dak.

Alexander Middle, who was employed as a United States Indian police at the Standing Rock Agency during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and who subsequently had his left leg amputated by reason of a wound received during said engagement.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 12, 1892.

SIR: Under date of March 3, 1891, James McLaughlin, esq., United States Indian agent at the Standing Rock Agency, N. Dak., transmitted to this Office a list showing the names of the United States Indian police of Standing Rock Agency constituting the force which arrested "Sitting Bull" at his camp on Grand River, 40 miles southwest of Standing Rock Agency, on the morning of December 15, 1890, and suggested that a pension of at least \$15 per month be given the families of Lieut. Henry Bullhead, Sergts. Charles Shavehead and James Littleeagle, and \$10 per month to the families of Privates Paul Akicitch, Hawkman No. 1, and John Armstrong, who were killed in the engagement, and to Alexander Middle, who was severely wounded and who has since had his left leg amputated at the kneejoint as a result of said wound; also that each of the thirty-three policemen and four volunteers, survivors of the engagement, receive a medal commemorative of their fidelity. Said agent also transmitted extracts from his report on this engagement for the information of this Office.

Under date of January 15, 1891, this Office received, by Department reference, a communication from the honorable Secretary of War concurring in the views of Gen. Thomas H. Ruger, commanding Department of Dakota, wherein the general states that the conduct of the Standing Rock police was remarkable for fidelity as well as courage, and that some act of the Government in recognition thereof would seem fit as to those directly concerned and expedient for the encouraging effect it would have upon all the Indians of the reservation who desire to conform to the new condition of their lives.

Under date of March 5, 1892, at the request of this Office, said agent furnished this Office with the names of the surviving widows and children of the Indian police who were killed in the engagement at Sitting Bull's camp on Grand River.

Believing that the families of these Indian policemen who were killed in said engagement, and Alexander Middle, who was wounded in said engagement (and who has since had his left leg amputated as a result of said wound), should receive pensions, and also believing that the survivors (thirty-seven in number) of said engagement should each receive medal as a proper recognition of their fidelity to the Government, I have caused to be prepared, and inclose herewith, for the consideration of the Department copies of all the correspondence herein referred to, together with two drafts of bills, one providing for the granting of pensions to the families of the above-named Indians and to Alexander Middle; the other providing for the granting of medals to the survivors of the engagement, with the recommendation that same be transmitted to Congress with a view to securing proper legislation in the premises.

Very respectfully, your obedient servant.

T. J. MORGAN, Commissioner.

The SECRETARY OF THE INTERIOR.

A bill granting medals to certain Indian policemen of the Standing Rock Agency, N. Dak.

Be it enacted, etc., That the sum of \$500, or so much thereof as may be necessary, be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated to enable the Secretary of the Interior to provide suitable medals of honor for the following-named United States Indian policemen of the Standing Rock Agency, N. Dak., survivors of the engagement which took place at Sitting Bull's camp on Grand River on December 15, 1890, viz:

Marcellus Chankpidutah (Red Tomahawk), second sergeant.

John Wambdi (Eagle Man), fifth sergeant.

Thomas Tunkah (Stone Man), private.

Louis Wahpahah (Hat), private.

Hugh Chetahohonko (Swift Hawk), private.

Luke Ptash (White Buffalo), private.

Alexander Hochokah (Middle), private.

Eugene Akicitchahigala (Little Soldier), private.

Joseph Brown Wolf (Brown Wolf), private.

Paul Hautaymaza (Iron Cedar), private.

John Ishnawichah (Lone Man), private.

Oliver Hehakawaketo (Looking Elk), private.

Dennis Wahpahachiu (Take the Hat), private.

George Iron Star (Iron Star), private.

Richard Runninghawk (Running Hawk), private.

Afraid of Hawk, special policeman.

White Bird, special policeman.

Magpie Eagle, special policeman.

Iron Thunder, special policeman.

Paints Brown, special policeman.

Weasel Bear, special policeman.

Rooster, special policeman.

High Eagle, special policeman.

Good Voiced Eagle, special policeman.

Red Bear, special policeman.

Bad Horse, special policeman.

Cross Bear, special policeman.

Black Pheasant, special policeman.

One Feather, special policeman.

Walking Shooter, special policeman.

Good Voiced Elk, special policeman.

Cetanwicaste (Hawkman No. 2), special policeman.

Brown Man, special policeman.

Gabriel Waublihotia (Gray Eagle), volunteer.

Otter Robe, volunteer.

Spotted Thunder, volunteer.

Young Eagle, volunteer.

[Telegram.]

WASHINGTON, December 30, 1890.

To JAMES McLAUGHLIN,

U. S. Indian Agent, Standing Rock Agency, N. Dak.:

Send me report immediately stating exactly order given for police to go to Sitting Bull's camp to arrest him, from whom received and when, and all tending to show origin of order, its nature, the superintendence of its execution, the taking of the body of Sitting Bull, and what disposition was made of it.

JNO. W. NOBLE, Secretary.

[Telegram.]

FORT YATES, N. DAK., December 30, 1890.

HON. SECRETARY OF THE INTERIOR,

Washington, D. C.:

The division commander's order, received on the 12th instant by telegram to the post commander at Fort Yates, directs the latter to "make it his especial duty to secure the person of Sitting Bull and call on the Indian agent to cooperate and render such assistance as would best promote the purpose in view."

After the receipt of this telegram a consultation was held between the post commander and myself, when it was decided that the arrest be made on the twentieth (20th) instant, when most of the Indians of Sitting Bull's camp would be absent from there receiving their rations at agency. Information reached me on the evening of 14th that Sitting Bull was preparing to leave the reservation, which I reported to the post commander, who ordered the arrest made at once, and it was arranged to send the police to the camp for that purpose, and for the troops to leave the post and reach their destination in time to prevent a rescue. Under my instructions to cooperate with the military, and in pursuance of the arrangement between the post commander and myself, I issued the order to the police. My action was governed by previous telegraphic instructions of December 1 and 5 from the Indian Office directing me to cooperate with the military.

Full details with copies of orders and instructions have heretofore been forwarded to Indian Office, but I will send copies, if required, as soon as they can be prepared. The body of Sitting Bull was brought to this agency by the troops and is buried in the Fort Yates military cemetery.

JAMES McLAUGHLIN,
United States Indian Agent.

[P. B. Night. Collect.]

The above telegram was delivered to the operator, but had not been sent when the telegram of which a copy is given below was received. Copy by mail was sent and the original returned to the agency.

[Telegram.]

WASHINGTON, December 30, 1890.

To JAMES McLAUGHLIN,

United States Indian Agent, Fort Yates, N. Dak.:

Your report has been received, which renders it unnecessary for you to reply further to telegram of this morning.

JOHN W. NOBLE,
Secretary.

UNITED STATES INDIAN SERVICE,
STANDING ROCK AGENCY,
Fort Yates, N. Dak., January 23, 1891.

HON. T. J. MORGAN,

Commissioner of Indian Affairs, Washington, D. C.

SIR: I have the honor to acknowledge receipt of your communication of January 12, 1891, L. 26, 1891, in which, referring to my report of December 24, 1890, it is stated that the authority under which I cooperated and the Indian police acted in the matter of the capture and killing of Sitting Bull on the 15th of December last is not directly stated and specifically set out, and calling for further report in this particular.

I invite a perusal of the concluding paragraph of my report of December 16, in which I state that copies of telegrams showing the authority under which the Indian police were engaged in the arrest of Sitting Bull were inclosed. These copies consist as follows:

(1) Office telegram of December 1, in which the following order appears: "You will, as to the operations intended to suppress any outbreak by force, cooperate with and obey the orders of the military officers commanding on the reservation in your charge."

(2) Office telegram of December 5, 1890, states: "Replying to your telegram of this date Secretary directs that you make no arrests whatever, except under orders of the military or upon an order of the Secretary of the Interior."

(3) Telegram dated December 12, 1890, from General Ruger, commanding the Military Department of Dakota, to Col. W. F. Drum, commanding officer Fort Yates, which is in the following words: "The division commander has directed that you make it your especial duty to secure the person of Sitting Bull. Call on Indian agent to cooperate and render such assistance as will best promote the purpose in view."

Upon receipt of the letter written for Bull Head by John M. Carigan, teacher of the Grand River day school, dated December 14, 1890, 12.30 a. m., a copy of which was furnished with my report of December 16, 1890, Lieut. Col. W. F. Drum, United States Army, commanding Fort Yates, ordered the arrest, and acting under previous instructions to cooperate, I issued the orders to the Indian police directing them to proceed to Sitting Bull's camp and make the arrest the following morning and bring him in toward the agency until they met the troops to which command they were to deliver the prisoner or, escorted by the military, bring him through to the post of Fort

Yates, as might be determined by the officer commanding the detachment of troops. The orders to the police referred to above is in the following words:

[Translation from the Sioux.]

STANDING ROCK AGENCY, N. DAK.,
December 14, 1890.

AFRAID OF BEAR AND SHAVE HEAD:

I am in receipt of the letter you sent by Courier Hawkman, and I have come to the conclusion that the time has come to arrest Sitting Bull. I am afraid that if we should put it off any longer that he will get away from us, so to-night you will proceed to his house and arrest him before daybreak. Louie will lead the troops down on the road you suggested to Oak Creek crossing and stop there—I mean the Sitting Bull and Spotted Horn Bull crossing of Oak Creek, where I told you to build the station—and they will await you there. If anything should happen you will bring the news to the troops immediately.

I am your agent who says this.

JAMES McLAUGHLIN.

("Afraid of Bear" is the same person referred to in the affair as "Bull Head," and the letter referred to as sent by courier is the one written for Bull Head and signed by John M. Carrigan, hereinbefore referred to.)

All preliminary orders given by me to the police were verbal, as well as the orders from Colonel Drum to me. The plan of the arrest, together with the disposition of the police and troops, was decided upon in consultation, both of us concurring after a joint careful study of the situation.

I do not see that I can further improve my reports of December 16 and 24 so as to make more clear the nature of the orders under which I and the police acted in this matter. It was in cooperation with the military, who had determined upon the arrest of Sitting Bull, and in pursuance of Colonel Drum's direct verbal orders, that I gave all final orders to the police, who were, in this case, what may be termed "concomitants of the military."

I invite attention to that part of my report of December 24, commencing at page 6, which details all the preparations made for the final arrest: that these preparations were made, as far as I was concerned, with the full knowledge and by previous arrangement with the post commander and under his instructions.

I submit inclosed copies of correspondence with the honorable Secretary of the Interior for the information of the honorable Commissioner.

I am, sir, very respectfully, your obedient servant,

JAMES McLAUGHLIN,
United States Indian Agent.

HEADQUARTERS DEPARTMENT OF DAKOTA,
St. Paul, Minn., January 1, 1891.

SIR: I have the honor to forward herewith a letter received from United States Indian Agent James McLaughlin, of Standing Rock Agency, in reply to a letter from me, in which I stated that I should be glad to do what I might to present for consideration the question of reward for the Indian police taking part in the arrest of Sitting Bull and resisting the attack made on them by his followers in an attempt for his rescue, and also that of provision for the families of the policemen who were killed.

The conduct of these policemen is remarkable for fidelity as well as courage, and some act of the Government in recognition thereof would seem fit as to those directly concerned, and expedient for the encouraging effect it would have upon all the Indians of the reservation who desire to conform to the new condition of their lives.

I make no suggestion as to what action would be advisable in a matter which pertains especially to the Interior Department, my object being principally to add official expression of opinion, in concurrence with that of the commanding officer of Fort Yates, relative to the matter presented.

The list of the policemen who were killed or died of wounds has, as I understand, been reported by the Indian agent, with all the facts, to the Interior Department.

Very respectfully, your obedient servant,

THOS. H. RUGER,
Brigadier-General, Commanding.

The ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C.

(Through Headquarters Division of the Missouri.)

WAR DEPARTMENT, January 13, 1891.

Respectfully referred to the Secretary of the Interior for his information, and concurring in the views of General Ruger.

REDFIELD PROCTOR,
Secretary of War.

Referred to the Commissioner of Indian Affairs for his consideration and an expression of his views.

J. W. NOBLE, Secretary.

JANUARY 15, 1891.

UNITED STATES INDIAN SERVICE, STANDING ROCK AGENCY,
Fort Yates, N. Dak., Agency, December 22, 1890.

GENERAL: I have the honor to acknowledge receipt of your letter of the 17th instant, by which you kindly offer to unite in promoting any recommendation for suitable reward to the survivors of the police force in the Grand River fight on the 15th instant, and for provision for the families of the killed. I am very glad to receive this offer, as it shows that the service rendered by the police is recognized by the department commander and that he considers a reward merited. I shall feel grateful for any suggestions which may assist in promoting the object in question.

I have already represented the matter to the Indian Office, with a request that the cooperation of the War Department be secured. I have also furnished to Senator G. A. Pierce, of North Dakota, a full account of the affair (with a copy of the department commander's letter of the 17th instant) with a view to obtaining his action in presenting and supporting a bill in Congress. In the meantime I shall be glad to receive your support in what has already been done by any special representation to the War Department or otherwise, as may be deemed best, and to act upon any suggestion which you think advisable to make, and also to furnish any information that may be needed and in my power to furnish which is not already in the hands of the military authorities.

I am, sir, very respectfully, your obedient servant,

JAMES McLAUGHLIN,
United States Indian Agent.

Gen. T. H. RUGER,
Commanding the Department of Dakota, St. Paul, Minn.

[First indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, January 5, 1891.

Respectfully forwarded to the Adjutant-General of the Army.

E. L. HUGGINS,
Captain, Second Cavalry, A. D. C.,
Acting Assistant Adjutant-General.
(In the absence of the division commander.)

UNITED STATES INDIAN SERVICE,
Standing Rock Agency, March 3, 1891.

SIR: I have the honor to inclose herewith papers which, as the indorsements indicate, were intended to be handed to United States Senator Pierce, of North Dakota, for the purpose stated in the indorsements, but owing to the adverse criticisms of the press of the country, which was ignorant of the facts, the papers were withheld and not given to Senator Pierce at the time, and since his defeat for reelection as Senator, and it being so near the end of the session of which he is a member, it was considered useless to do so; I therefore send them to the Department, where they may be of some assistance in obtaining relief for the Indian police.

I would respectfully suggest that a pension of at least \$15 per month be given the families of Lieut. Henry Bullhead and Sergts. Charles Shavehead and James Little Eagle; and \$10 per month of privates Paul Akicitch, Hawkman No. 1, and John Armstrong, who were killed in the engagement, and to Alexander Middle, who was severely wounded, and who will probably yet lose his foot, as he is still confined in the hospital and recovery very doubtful; also that each of the 33 policemen and 4 volunteers, survivors of the engagement, receive a medal commemorative of their fidelity, and payment at the rate of \$50 per head for ponies they had killed and those that stampeded during the fight, which latter were subsequently picked up and taken off by the Indians opposed to them, who fled from the reservation at that time.

I am, sir, very respectfully, your obedient servant,

JAMES McLAUGHLIN,
United States Indian Agent.

Hon. T. J. MORGAN,
Commissioner of Indian Affairs, Washington, D. C.

Names of the United States Indian police of Standing Rock Agency, N. Dak., constituting the force which arrested "Sitting Bull" at his camp on Grand River, 40 miles southwest of Standing Rock Agency, on the morning of December 15, 1890. (All are full-blood Sioux Indians.)

ROLL OF HONOR.

Henry Tataukapah^a (Bull Head), first lieutenant.
Charles Kashlah^a (Shave Head), first sergeant.
Marcelus Chaukipidutah^a (Red Tomahawk), second sergeant.
James Wambdichigalah^a (Little Eagle), fourth sergeant.
John Wambdi (Eagle Man), fifth sergeant.
Thomas Tunkah (Stone Man), private.
Louis Wahpabah (Hat), private.
Hugh Chetahohonko (Swift Hawk), private.
Paul Akicitch^a (Afraid of Soldier), private.
Luke Ptasah (White Buffalo), private.
Alexander Hochokah^b (Middle), private.
Eugene Akichitahchigala (Little Soldier), private.
Joseph Brown Wolf (Brown Wolf), private.
Paul Hantamaza (Iron Cedar), private.
John Ishnawichah (Lone Man), private.
Oliver Hehakawaketo (Looking Elk), private.
Dennis Wahpahaichu (Take the Hat), private.
George Ironstar (Iron Star), private.
Richard Runninghawk (Running Hawk), private.
Afraid of Hawk, special police.
White Bird, special police.
Hawk Man, No. 1,^a special police.
Magpie Eagle, special police.
Iron Thunder, special police.
Paints Brown, special police.
Weasel Bear, special police.
Rooster, special police.
High Eagle, special police.
Goodvoiced Eagle, special police.
Red Bear, special police.
Bad Horse, special police.
Cross Bear, special police.
Black Pheasant, special police.
John Armstrong,^a special police.
One Feather, special police.
Walking Shooter, special police.
Good Voiced Elk, special police.
Cetanwicaste (Hawk Man No. 2), special police.
Brown Man, special police.
Gabriel Wanbilhota (Gray Eagle), volunteer.
Otter Robe, volunteer.
Spotted Thunder, volunteer.
Young Eagle, volunteer.

A total of 43 imperfectly armed police, opposed to about 160 Indians of Sitting Bull's followers, whom they routed, driving them from the field and into the adjoining woods, holding the battle ground with all the killed and surviving women and children, also Sitting Bull's corral, which was filled with horses prepared for his flight, and which the ghost dancers made extraordinary efforts to secure, but it was held by the police with great courage and coolness. After having been fighting for about two hours, and securing possession of all the buildings near by, and the attacking Indians being driven from the field at all points, they (the police) carried their dead and wounded into Sitting Bull's house and maintained their organization splendidly.

When the detachment of the Eighth United States Cavalry came in sight on the hill overlooking Sitting Bull's camp, about 1,500 yards distant, the police raised a white flag from the corral to show where they were, but notwithstanding this a shell was thrown from a Hotchkiss gun which struck and exploded a few rods from them, upon which Red Tomahawk paraded his men to show who they were, but their identity could not be established by the officers from that distance, and the latter, believing them to be hostiles, caused another shell to be thrown, which exploded about 4 rods from the police, whereupon Red

^a Dead.

^b Wounded.

Tomahawk mounted a horse and taking a white flag rode out to the command to save further mistake; and when Lieut. S. A. Slocum, commanding F Troop, Eighth Cavalry, arrived on the ground, Sergt. John Engleman, then in charge, paraded the policemen, aligning them directly in front of the dead, advanced to the front of his column, and saluted on the approach of the command.

There were one lieutenant and four sergeants of the police force in the engagement, and at the first fire Lieut. Bull Head and First Sergt. Shave Head were severely wounded and Fourth Sergt. Little Eagle killed. Red Tomahawk, second sergeant, then assumed command, which he conducted with great skill and courage throughout the remainder of the fight. He was ably assisted by Fifth Sergt. Eagle Man, who remained near him, and by Gray Eagle, a volunteer, who took charge of the party holding the corral filled with horses belonging to the Sitting Bull Indians. In a word, every man did his duty unflinchingly, entitling them to some especial recognition for their great services, as this battle, upholding the authority of the Government, should go down to history as one of the most remarkable on record, showing the fidelity and loyalty of the Indian police in obeying orders and maintaining the integrity of the Government against their own people, some of them having fathers and brothers in the ranks opposing them.

The police had no men to spare to hold their horses, and being all obliged to dismount to be of the most service, and their horses being left untied, ten of them, with saddles, were taken by the Sitting Bull Indians, and four horses were killed during the fight. The police also took off their overcoats so as to be better prepared for what might arrive, and left them with their blankets tied to the saddles taken by the hostiles. All these articles and horses being taken are lost to the police.

JAMES McLAUGHLIN,
United States Indian Agent.

STANDING ROCK AGENCY, N. DAK.,

December 20, 1890.

NOTE.—Horses, saddles, bridles, blankets, and overcoats were private property of police.

Extracts from the report of James McLaughlin, United States Indian agent, on the engagement of the morning of the 15th December, 1890, between the Indian police of the Standing Rock Agency and hostile Indians at Grand River, N. Dak., upon the occasion of the arrest of Sitting Bull by the agency police.

[Telegram.]

FORT YATES, N. DAK., December 15, 1890.

COMMISSIONER INDIAN AFFAIRS,

Washington, D. C.:

Indian police arrested Sitting Bull at his camp 40 miles southwest of agency this morning at daylight. His followers attempted his rescue and fighting commenced. Four policemen killed and three wounded. Eight Indians killed, including Sitting Bull and his son, Crow Foot, and several others wounded. Police were surrounded for some time, but maintained their ground until relieved by United States troops, who now have possession of Sitting Bull's camp, and all women, children, and property. Sitting Bull's followers, probably 100 men, deserted their families and fled west up Grand River. Police behaved nobly and great credit is due them. Particulars by mail.

McLAUGHLIN, Agent.

STANDING ROCK AGENCY, N. DAK., December 16, 1890.

SIR: The troops left Fort Yates at 12 p.m. on the night of Sunday the 14th instant, for Grand River, with Louis Prineau as guide, and my Indian police, who were then at Grand River or en route, were instructed to arrest Sitting Bull when the troops were sufficiently near to afford them protection in case of resistance to the arrest.

At daybreak on Monday morning, the 15th, the police went to Sitting Bull's camp, direct to his house, and surrounded it. A detail was sent into the house, where Sitting Bull was sleeping on the floor, the remainder staying outside. They aroused him and announced their purpose, at the same time raising him to a sitting position. He at first seemed inclined to offer no resistance, and they allowed him to dress, during which time he changed his mind, and they took him forcibly from the house. By this time the police were surrounded by Sitting Bull's followers, members of the "ghost dance," and the first shot was fired by Catch the Bear, one of the hostiles, and the lieutenant of police, Henry Tataukapah (Bull Head), who was in command of the detachment of forty-two men, was struck. The fighting then became general; in fact, it was a hand-to-hand fight. Sitting Bull was killed, shot through the body and head in the early part of the fight by Bull Head and Marcus Chankipidutah (Red Tomahawk), who each shot at him. Four policemen were killed outright and three wounded, one of the latter dying at the agency hospital this morning after his removal there. Bull Head, the lieutenant of police, is dangerously wounded, but may recover.

The hostile Indians lost eight killed and several wounded and were driven from the field by the police; they fled up Grand River, leaving their wives and families and all their property and dead behind them. Two troops of the Eighth United States Cavalry (100 men) arrived on the ground immediately after the fight, which had occupied less than half an hour, and took possession of the camp, its inhabitants, property, and dead. The military did not pursue the fleeing hostiles, and the latter will no doubt fall into the hands of some one of the commands moving at the different points west or south of the agency.

The details of the battle show that the Indian police behaved nobly and exhibited the best of judgment and bravery, and a recognition by the Government for their services on this occasion is richly deserved and should be promptly given, with a substantial allowance for the families of those who are dead and also for the survivors, to show that the Government recognizes the great service that has been done for the country in the result of yesterday's fight.

^a Number of regular Indian police, 19; special police (Indians), 20; volunteer Indians, 4; total engaged in arrest, 43.

^b See Captain Fechet's report, extract attached.

^c Three of the number had been sent to some other point on special duty, reducing this number to 39.

^d The troops, it has been ascertained, did not arrive until two hours after the commencement of the fight, showing that the police held their position.

I respectfully urge that the Interior Department cooperate with the War Department in obtaining Congressional action which will insure to these brave survivors and to the families of the dead a full and generous reward. Besides the Indian police there were four volunteers, viz, "Gray Eagle," "Spotted Thunder," "Otter Robe," and "Young Eagle," who participated in the fight, rendering good service and deserving like recognition. "Gray Eagle" (Gabriel Wamblihotah) is one of the judges of the court of Indian offenses, and his two sisters are Sitting Bull's wives. Until about seventeen months ago he was Sitting Bull's main support.

CASUALTIES IN THE POLICE FORCE.

Henry Tataukapah (Bull Head), first lieutenant in command, dangerously wounded, four wounds. (Since dead.)

Charles Kashlah (Shave Head), first sergeant, mortally wounded. (Since dead.)

James Wambdichigalah (Little Eagle), fourth sergeant, killed.

Alexander Hochokah (Middle), private, painfully wounded.

Paul Akichitah (Afraid of Soldier), private, killed.

John Armstrong, special police, killed.

Hawk Man No. 1, special police, killed.

A large majority of the Indians of this agency are loyal to the Government, and universal satisfaction is expressed by them, as it ends the ghost craze here.

While this conflict, causing the loss of some of our best (noble and brave) policemen, is to be very much regretted, yet the great good accomplished by the ending of Sitting Bull's career, whose influence has been of such a retarding nature, and the determination of the police manifested in maintaining the will of the Government is most gratifying.

I am, etc.,

JAMES McLAUGHLIN,
United States Indian Agent.

Hon T. J. MORGAN,

Commissioner of Indian Affairs, Washington, D. C.

Extracts from the report of Capt. E. G. Fechet, Eighth Cavalry, commanding the detachment of cavalry sent to Grand River on the morning of December 15, 1890, to aid Indian police in case of resistance in the arrest of Sitting Bull.

FORT YATES, N. DAK., December 17, 1890.

SIR: * * * The command moved out at midnight the 14th, and by rapid marching was, by daylight, within 3 miles of Sitting Bull's camp, which is fully from 41 to 42 miles from Fort Yates. After daybreak I expected every minute to meet the Indian police with Sitting Bull their prisoner, it having been arranged by Major McLaughlin, Indian agent, that they would make a descent upon Bull's camp about daybreak, arresting Bull and delivering him to me for conduct to the post. It will be seen by reference to the first paragraph of the order referred to that the command was to proceed only to the crossing of Oak Creek, which was 18 miles from Sitting Bull's camp. After receiving this order, on consultation with Colonel Drum, commanding the post, it was decided to move as close to Bull's camp as possible without discovery, and there await the police. A short time after dawn a mounted man was discovered approaching rapidly. This proved to be one of the police, who reported that all the other police had been killed. The substance of his report, with additional statement that I would move in rapidly and endeavor to relieve any of the police who might be alive, I forwarded to the commanding officer.

The command was moved with all possible speed to a point on the highlands overlooking the valley of Grand River and immediately opposite Sitting Bull's house and the camp of the ghost dancers, distant some 1,500 yards.

Upon arriving at this place I found evidences of a most desperate encounter between the agency police and Sitting Bull's followers. In the vicinity of the house, within a radius of 50 yards, there were found the dead bodies of eight hostiles, including Sitting Bull; two horses were also killed. Within the house there were found four dead and three wounded policemen.^a It was learned through the interpreter that the hostiles had carried away with them one of their dead and five or six of their wounded, making an approximate total of fifteen casualties.

From the best evidence obtainable I am led to believe that the Indian police, under the command of Bull Head and Shave Head, about fifty strong, entered Sitting Bull's camp about 5.30 a. m. on the 15th for the purpose of making the arrest of Sitting Bull. Sitting Bull was taken from his house, and while the police were parleying with him, endeavoring to induce him to submit peacefully, Bull Head was shot by Catch the Bear in the leg.

Bull Head immediately shot and killed Sitting Bull, when the mêlée became general, with the results given. The fight lasted but a few moments, when the police secured the house and stable adjoining, driving Sitting Bull's men from the village to cover in the adjoining wood and hills. From these positions the fight was kept up until about 7.30 a. m., when the troops came up. I learn that soon after the occupation of the house and stable by the police, volunteers were called for to carry a report of the situation back to the approaching troops. Hawk Man offered to perform this perilous service, and at the imminent risk of his life, assisted by Red Tomahawk, he effected his escape, being shot through his coat and gloves while engaged in the attempt. This was the first scout met by the command.

I can not too strongly commend the splendid courage and ability which characterized the conduct of the Indian police commanded by Bull Head and Shave Head throughout the encounter. The attempt to arrest Sitting Bull was so managed as to place the responsibility for the fight that ensued upon Sitting Bull's band, which began the firing. Red Tomahawk assumed the command of the police after both Bull Head and Shave Head had been wounded, and it was he who, under circumstances requiring personal courage to the highest degree, assisted Hawk Man to escape with a message to the troops.

After the fight no demoralization seemed to exist among them, and they were ready and willing to cooperate with the troops to any extent desired.

E. G. FECHET,
Captain, Eighth Cavalry, Commanding.

The POST ADJUTANT.

^a Sitting Bull's house.

^b These had been taken inside by their brother policemen.

^c Thirty-nine police; four volunteers.

HEADQUARTERS DEPARTMENT OF DAKOTA,
St. Paul, Minn., December 17, 1890.

SIR: Referring to telegram of this date from the commanding officer Fort Yates, recommending that some recognition and reward should be bestowed on your Indian police for their fidelity and bearing in the arrest of Sitting Bull and the consequent encounter with his followers, it will give me pleasure to unite with you in promoting any recommendation you may make for suitable reward to those who are entitled, and provision for the families of those who were killed.

Very respectfully, your obedient servant,

THOS. H. RUGER,
Brigadier-General, Commanding.

Maj. JAMES McLAUGHLIN,
United States Indian Agent.
(Through commanding officer Fort Yates, N. Dak.)

UNITED STATES INDIAN SERVICE,
Standing Rock Agency, March 5, 1892.

SIR: I have the honor to acknowledge receipt of office letter of February 26, 1892 (Land 1931, 3383, 3391, 9189, 9191), calling for the names of the surviving widows, mothers, or dependent minor children of the Indian police who were killed in the engagement at Sitting Bull's camp on Grand River, December 15, 1890, etc.

In reply I respectfully invite attention to the following list:

Name and rank of policeman killed.	Names of surviving widows, mothers, or dependent minor children of the deceased.	Age.	Relationship to deceased.
Henry Bullhead, lieutenant.	Mary Bullhead	41	Widow.
	Ada Bullhead	9	Daughter.
	John Bullhead	4	Son.
	Peter Bullhead	69	Father.
	Mary Bullhead	67	Mother.
Chas. Shavehead, sergeant.	Annie Shavehead	42	Widow.
	Jerome Shavehead	16	Son.
	Frances Shavehead	14	Daughter.
	Benedict Shavehead	10	Son.
	Mary Shavehead	9	Daughter.
	Joseph Shavehead	6	Son.
	Henry Shavehead	1	Do.
James Littleeagle, sergeant.	Shell Pipe (Mrs. James Littleeagle)	49	Widow.
	Henry Littleeagle	16	Son.
Paul Akicitch, private.	Catherine Akicitch	56	Widow.
	Alfred Akicitch	9	Son.
Hawkman No. 1, private.	Lucy Tinza (married)	25	Daughter.
	Red Deer (Mrs. Hawkman)	80	Widow.
	Lena Hawkman	12	Daughter.
	Anna Hawkman	10	Do.
John Armstrong, private.	Edward Armstrong	10	Son.

Alexander Middle, who was wounded by a shot in the left foot in the same engagement, has lately had his left leg amputated at the kneejoint, resulting from the wound. He certainly should be pensioned, as he has a wife and two adopted children, aged 15 and 7, respectively, dependent upon him.

The medals, as recommended in my letter of March 3, 1901, will have an excellent effect, and I strongly urge that they be furnished for the full number of 43 participants in the engagement, those for the dead to be given to their children.

I am, sir, very respectfully, your obedient servant,
JAMES McLAUGHLIN,
United States Indian Agent.

Hon. T. J. MORGAN,
Commissioner of Indian Affairs, Washington, D. C.

The passage of this bill is recommended when amended as follows:
In line 7, page 1, of the bill strike out the word "fifteen" and insert in lieu thereof "twelve."

In line 8, page 2, of the bill strike out the word "ten" and insert in lieu thereof "twelve."

In line 16, page 2, of the bill strike out the semicolon before the word "Alexander" and insert: "Provided, however, That."

In line 21, page 2, of the bill, after the word "engagement," add the following: "shall be paid a pension of \$20 per month from the date of the passage of this act."

Mr. McCUMBER. Mr. President, I think it proper to make a very brief statement with respect to this bill.

It is to pension the families of those Indian policemen who were killed in the capture of Sitting Bull and also those who were wounded in that conflict. The Department of the Interior directed the agent at Standing Rock, at the time of these troubles, to cooperate and be under the direction of General Ruger, then in command of the division of the Territory of Dakota. A command was given by the commanding officer to arrest Sitting Bull at his camp. To carry this command into effect, the agent was directed to select a number of Indian police, together with special police, who were gathered together for that purpose. They numbered about 41. The band of Sitting Bull at that time numbered, I believe, about 160. The arrest was made, but while an attempt was being made to induce Sitting Bull to yield without making any resistance, the policeman in charge was killed or was shot or wounded.

A battle immediately ensued between the 41 Indian policemen and the 160 Indians under Sitting Bull. It lasted for about two hours. The result of the conflict was that seven of the policemen, I think, were killed outright and others were wounded. Sitting Bull's followers were defeated, and his stores, horses, etc., captured.

I desire to state particularly that these Indian policemen, under the direction of the Department of the Interior and under the command of the officer in charge, General Ruger, were

practically mustered into the service of the United States for the purpose of securing Sitting Bull and his provisions, etc. This has been recommended not only by General Ruger, but also by the Department of the Interior. We have amended the bill so that it simply places all upon the same footing, namely, \$12 a month, except in the case of the policeman who lost his leg and is still surviving. He is placed at the rate of \$20 a month, a little less than what is usually accorded in such cases, I believe.

Mr. TILLMAN. Mr. President, I rise for the purpose of asking the chairman of the Committee on Pensions in what respect these Indian police differ from the Filipino constabulary. I heard him say in his explanation that these men were practically in the military service, but they were not in the military service. While I am not objecting to this matter at all, I had occasion to introduce a bill to pension the dependent mother of a gallant soldier from South Carolina who had been in the Army three years, who made an admirable record, so much so that he was given a position as a lieutenant in the constabulary in the Philippines, and who was killed in the line of duty, practically in the military service of the United States. A pension was refused his dependent mother.

I really think the two are on all fours, and I do not see why one should get a pension and the other not, especially when one is a white man and the other an Indian.

Mr. McCUMBER. These Indians were not simply practically in the military service, but they were actually in the military service.

Mr. TILLMAN. So was this Filipino constable.

Mr. McCUMBER. And not only under the command and direction of the Secretary of the Interior, but under the command of the War Department. They were in fact mustered into the service and performed service in that engagement. The claim is certainly a very just one.

Answering briefly the statement of the Senator in reference to the person who was in the constabulary in the Philippines, I believe, as I now remember, that the committee found that he was not in military service at the time, and that the constabulary were not under the military wing at that time.

Mr. TILLMAN. I want to say—

Mr. McCUMBER. And that being the case, under the rules it was absolutely necessary to reject the application in that particular case.

It had full and fair consideration. It was found to be entirely outside of the rules, and if we opened up our rules to allow cases of that kind, there is no telling the number of applicants who would come in for pensions who were not really in the Army or serving in the Army.

Under the rules of the Committee on Pensions, though one is not a regularly enlisted soldier, if he actually served at the time in the Army and received wounds or disabilities while he was serving he is entitled to a pension. In the case of the constabulary in the Philippines, they were not under the arm of the military at that time, as I remember.

Mr. TILLMAN. Mr. President, I have not the papers, because they are on file in the Committee on Pensions, but I will state my recollection of the facts. I want to ask the Senator from North Dakota whether it is not true that the Filipino constabulary are under the military orders of the Army over there? Are they not under the orders of the commanding general and of those who have charge of our forces?

Mr. McCUMBER. I understand they are not. But though they might have been at that time, in the particular instance that is referred to by the Senator the party who was killed was not under the orders of the Army.

Mr. TILLMAN. All I know, as I recall the facts, is that this officer met his death gallantly. He had a military burial. I have letters which are with the Pension Committee which show that the Pension Office itself plainly expressed an earnest desire that the pension should be granted, but that technically the law prohibited it, because he was not in the military service. Now, these men were not in the military service.

Mr. McCUMBER. I beg to differ with the Senator. They were in the military service—

Mr. TILLMAN. Oh, well.

Mr. McCUMBER. As the Senator will see by reading the report.

Mr. TILLMAN. The Senator would not let the report be read, and his explanation does not explain.

Mr. McCUMBER. That portion of the report was read. I did not object in any way to the report being read, and I am willing that its reading shall be finished if the Senator desires that it shall be.

Mr. TILLMAN. When the Senator's statement does not parallel the fact, we must object to his deduction.

Mr. McCUMBER. On the very first page, which has been read,

and which the Senator undoubtedly understood, are these words from John W. Noble:

Inasmuch as the Indian policemen, for whose benefit legislation is asked, were at the time a part of the military force under immediate command of General Ruger and Colonel Drum, and their service was demanded and directed solely in accordance with orders of the military authority, which, by special order of the President, had control of this and other military movements, due deference should be paid to the commendation of these officers.

I do not know how anything could be made more clear.

Mr. TILLMAN. I am not objecting to this bill at all. I am only complaining of the discrimination. I do not charge it, but it looks that way. These Indian scouts or policemen were there alone. General Ruger was, I do not know how many, miles away. They went in and undertook to capture Sitting Bull and succeeded in defeating him, as the Senator has just said.

Now, this Filipino scout I speak of, or this member of the constabulary, was killed under expressly similar conditions. Practically he was in the service of the military of the United States. He had been for four years. He had just been mustered out and given a position as lieutenant; and yet he is turned down. I do not want to see these people kept from getting a pension, but it is strange that it takes ten or twelve years to get it. This letter from Secretary Noble was written in 1892. Why should it be delayed so long if there is not a hitch somewhere? Why does it take a special bill to do it? And when I bring in a special bill here to give the dependent mother of a man from the South the same privileges it is kicked overboard.

Mr. McCUMBER. A great many bills have been delayed more than ten years.

Mr. PLATT of Connecticut. May I call the attention of the Senator from South Carolina to what Mr. McLaughlin, the Indian agent, says about these police? He says the police "were, in this case, what may be termed concomitants of the military."

Mr. TILLMAN. Ah! The constabulary in the Philippines are certainly concomitants or allies or something else of the military. I am not attacking the Pension Committee, and there is no need for the Senator from Connecticut to aid the Senator from North Dakota. I simply say here is a direct proof to my mind that there is discrimination in these two cases.

I was obtuse. I am now told by a Senator that the Senator from Connecticut was endeavoring to take my side of the case. But I am not a hair-splitting lawyer, and the very fact that he went into the debate gave me a kind of an idea that possibly he was agreeing with his friend in his rear.

Let these people have their pensions, but all I contend for is that when conditions arise in the Philippines in which a gallant soldier, who has merely been transferred from the regular service to the irregular service—a constable—is killed under military orders in the line of duty, let his relatives get a pension. I hope the Senator will take up our bill and find some merit in it after he has passed this one.

Mr. McCUMBER. If the Senator can establish to the satisfaction of the committee that the individual for whom he pleads was killed while in the service of the United States—

Mr. TILLMAN. He was killed as a concomitant in aid of the service of the United States.

Mr. McCUMBER. And under military orders, in any possible way, there is no question but that a bill will be favorably reported.

Mr. TILLMAN. If the Senator will put on the same spectacles which enable him to see the merits of this case, I will not have a word to say.

Mr. McCUMBER. I think I can see the merits of the case, and I think the unanimous report of the Senate Committee on Pensions will justify me in saying that we have attempted in every possible way to do exact justice to the party referred to. The evidence shows, and there is no dispute about it, that the constabulary were not under the control of the Army at that time, and that this individual did not lose his life under military orders or in the military service. Had he done so, his case would have come clearly within the rule.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. I will yield again, if the Senator wishes.

Mr. TILLMAN. I want him to get through.

Mr. McCUMBER. But I wish the Senator to understand that there has been no discrimination made as against the interest of any soldier or anyone acting under the Government simply because he came from one section of the United States and not from another, as implied by the Senator's remarks.

Mr. TILLMAN. If the Senator is sensitive about my hint that there might be some reason—

Mr. McCUMBER. I am not sensitive about it at all.

Mr. TILLMAN. Found in the fact that this man whom I am trying to represent came from South Carolina, while these Indian widows come from North Dakota, I beg to apologize and to withdraw the intimation even that he and his committee are not trying to deal fairly. I am merely speaking about the broad fact. The Senator knows that the constabulary of the Philippines are a part of the military service, because the entire Philippines are under the military service. There is no civil government there. It is nothing more than a humbug and a pretense at the present time.

Mr. McCUMBER. I supposed the Philippine Islands were under civil rule and not military rule at the present time. If the Senator can convince me otherwise—

Mr. TILLMAN. The Senator's supposition is contrary to the fact, and I can not help the Senator's supposition. The Senator ought to know, if he knows anything, that the Philippines are under the War Department.

Mr. McCUMBER. I supposed there was a Commission which, under the law of Congress, was practically governing the Philippine Islands at the present time—

Mr. TILLMAN. They are making a pretense of giving a civil government.

Mr. McCUMBER. And that they are not under military law.

Mr. TILLMAN. They are giving a pretense of civil government, but the actual fact is that the War Department controls.

Mr. McCUMBER. It is a civil government de facto at least.

Mr. TILLMAN. It is a military government de facto, with a sham of civil government.

Mr. McCUMBER. I will ask the Senator if he has any objection to this bill?

Mr. TILLMAN. I have no objection to this bill, but I want the Senator to get the same spectacles or microscope or other instrument with which he discovered the merits of this case and look at the one I presented.

Mr. McCUMBER. I think we have done that.

Mr. TILLMAN. They are on all fours.

Mr. McCUMBER. We have done so.

Mr. LODGE. I want to ask a question for information from the Senator from North Dakota, the chairman of the Committee on Pensions. I understand that the bill to which the Senator from South Carolina refers asked for a pension for a dependent mother.

Mr. TILLMAN. Yes.

Mr. LODGE. I should like to ask the chairman of the committee if it is the practice of that committee to grant pensions to dependent mothers, because I have had some such cases and was told they were all against the rule.

Mr. McCUMBER. They do not come within our rule ordinarily, unless the rule—

Mr. TILLMAN. This is not an ordinary case, or these people would have been pensioned twelve years ago. This is an extraordinary case, in which the people are not pensionable under the statute, and you bring in a special bill to give them a pension, and you put on your spectacles and see merit in it. Now, put on the same spectacles and you will see merit in the other case, for they were concomitants, or aids, or assistants, or participants, or part of the Army of the United States.

Mr. McCUMBER. I can only say that the evidence does not establish the assertion of the Senator from South Carolina.

Mr. TILLMAN. Mr. President—

Mr. McCUMBER. If it did, it would present an entirely different case.

Mr. TILLMAN. The Senator says the horse is 16 hands high. I will subside, hoping later on I will get justice for this woman whose son was killed in the line of duty and who has young children dependent upon her. This boy was the mainstay of the family, and he is dead in the Philippines, and I can not get justice from the Committee on Pensions.

Mr. McCUMBER. The trouble is he was not killed in the line of duty and under the Army.

Mr. TILLMAN. He was killed as much in the line of duty as these Indians were.

Mr. McCUMBER. Oh no; not at all.

Mr. TILLMAN. The Senator sees it that way, and he does not want to see it any other way, and he will not see it any other way.

Mr. McCUMBER. I can not see it any other way than as the facts establish it.

Mr. TILLMAN. I dispute the Senator's interpretation of the facts.

Mr. McCUMBER. How is that?

Mr. TILLMAN. I dispute your interpretation of the facts.

Mr. McCUMBER. The facts were so established before the Committee on Pensions.

But I understand the Senator has no objection to the pending

bill. We will take up his bill any time he wants a rehearing before the Committee on Pensions, and if he can establish that his assertions are correct the Senate committee will be very glad to listen to him.

Mr. TILLMAN. On that understanding I will be very glad to let this bill go through, because I think the Senator from North Dakota will see this matter in a different light now that he has discovered concomitant aids to the Army who are pensionable.

Mr. SPOONER obtained the floor.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. The Senator from Wisconsin has been recognized.

Mr. SPOONER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I thank the Senator from Wisconsin. I shall take just a moment, that the record may be correct.

I think the Senator from North Dakota inadvertently made a response to the Senator from Massachusetts that ought at least to be qualified. I understood the Senator from North Dakota to say, in response to the Senator from Massachusetts, that dependent mothers were not pensioned.

Mr. McCUMBER. No; I did not intend, at least, to say that.

Mr. GALLINGER. They are pensioned under the general law, and if a dependent mother were denied a pension at the Bureau under circumstances that appealed to the Committee on Pensions, of course a bill for her relief would be taken up precisely as any other bill would be.

I simply want the record to stand correct in that regard.

Mr. SPOONER. I am inquiring only for information. I should like to ask the Senator from North Dakota what the real relation of the Indians was to the military service. Does he claim that they were mustered into the service of the United States?

Mr. McCUMBER. Under orders of the War Department, and also under the direction of the Secretary of the Interior, that they should act under the orders of the Army, they did so. The report is here, but it is quite lengthy. Many telegrams are printed in the report, and there is other correspondence. The portion which I read from the letter of Secretary Noble I thought was sufficient—

Mr. SPOONER. I was not in the Chamber when that was read. They were, then, Indian police?

Mr. McCUMBER. Indian police and commanded to respond to the orders of General Ruger, who was then in command; and they did so, and he ordered them to arrest Sitting Bull. The battle, in which some seven of them, I think, were killed, was a result of the attempt, and the successful attempt, to capture Sitting Bull and his band.

Mr. SPOONER. That would not put them in the military service of the United States. But I make no point on that at all.

I wish to ask the Senator a question. This bill gives a pension to Mary Bullhead, Annie Shavehead, Mrs. Littleeagle, and one or two other widows. A long time has elapsed since this engagement, and I should like to inquire whether these ladies are still in a state of widowhood, or whether they have since been beguiled into matrimony?

Mr. McCUMBER. I understand they have not been so beguiled.

Mr. SPOONER. They are still widows?

Mr. BEVERIDGE. Have they been coerced?

Mr. TILLMAN. Is there any evidence in the report to that effect?

Mr. SPOONER. They are still widows?

Mr. McCUMBER. That is the latest information we had on the subject. When this report was made they were widows. If they have been married since, it is without my knowledge.

Mr. SPOONER. The presumption of law is, I suppose, that they are still widows?

Mr. McCUMBER. That they still remain widows. It would be among white people, anyway.

Mr. SPOONER. So much for that. I should like to ask the Senator whether these sons who are named here—I suppose they are still sons—are minors or adults? They were perhaps minors in 1890. Are they minors now?

Mr. McCUMBER. I ask the Senator where he finds the word "sons;" what page?

Mr. SPOONER (reading). "Edward Armstrong, son of John Armstrong, deceased, late private, United States Indian police, Standing Rock Agency, N. Dak." John Armstrong is in line 17, page 2.

Mr. McCUMBER. Yes. I understand he himself was one of the Indian police, and, of course, was not a minor at the time. There were two Armstrongs, and it designates him particularly. There being another Armstrong, he is mentioned as the son of

John Armstrong. As I remember, he was among the police. It is simply descriptive of the individual, and nothing else.

Mr. SPOONER. That is it?

Mr. McCUMBER. That is it.

Mr. SPOONER. Then it is not proposed to give a pension to children?

Mr. McCUMBER. Not at all; only to the police.

Mr. SPOONER. I should like to ask the Senator if it would not do just as well, in order to avoid a question which may become a troublesome one, and especially in its relation to the Indian Service, to appropriate a sum of money, to be expended from time to time under the supervision of the Secretary of the Interior for the benefit of these people, as to put them regularly on the pension list?

Mr. McCUMBER. The effect would be exactly the same—

Mr. SPOONER. No.

Mr. McCUMBER. So far as the Indians are concerned.

Mr. PLATT of Connecticut. Will the Senator from Wisconsin permit me?

Mr. SPOONER. Certainly.

Mr. PLATT of Connecticut. In this report, on the last page and next to the last page, under date of March 5, 1892, Mr. McLaughlin, the Indian agent, reports—

Mr. McCUMBER. What page?

Mr. PLATT of Connecticut. The names will be found on the last page of the report.

Mr. SPOONER. Yes; I see that.

Mr. PLATT of Connecticut. That Jerome Shavehead, who is to be pensioned by this bill, was a son, at that time 16 years old. He would now be 28. And Henry Littleeagle was also another son, the son of James Littleeagle, and he was 16 years old at that time. He would be 28 now.

Mr. SPOONER. Edward Armstrong?

Mr. PLATT of Connecticut. Edward Armstrong was 10 years old at that time. This was in 1892. This is 1905. He would be 23 now.

Mr. SPOONER. My friend the Senator from North Dakota must be mistaken in his statement that they were all policemen. They would not have an Indian policeman 10 years old.

Mr. PLATT of Connecticut. No; John Armstrong was the policeman.

Mr. SPOONER. Yes; I know.

Mr. PLATT of Connecticut. He was killed. Edward Armstrong is a son, who, in 1892, was 10 years old and now is 23 years old.

Mr. SPOONER. But the Senator was under the impression that Edward Armstrong was the policeman and that he was characterized as the son of John Armstrong. It was simply the purpose to identify him.

Mr. McCUMBER. I do not understand now that the bill covers anything but those who were policemen. The similarity of the names occurs on page 12, but as I now recollect it, it was simply to show the number and the names of the families of those who were killed. I do not understand that any names in the bill are the names of the dependent children. That is not my understanding.

Mr. SPOONER. It is not a pension to John Armstrong, because the bill shows that John Armstrong has departed this life.

Mr. CULLOM. I appeal to my friend from North Dakota to let the bill go over until we can look at it further and bring it up again at some future time. There seems to be a great deal of confusion about the facts.

Mr. PLATT of Connecticut. Before that is done I wish to say a word about it. I have a great deal of sympathy for the families of these Indian policemen who were killed, and I would be very glad if the Government would in some way make some substantial recognition or reward. But I do think it is very questionable whether we ought to pass a bill pensioning people who suffered under such circumstances, and their widows and children. If the bill is going over, I would ask that the Committee on Pensions take into consideration the question whether we can not render suitable recognition and reward to these persons without making this precedent as to whom we will pension.

Mr. McCUMBER. We already have the precedent.

Mr. CULLOM. In view of what the Senator from Connecticut says, I think the bill had better go over for the present.

Mr. McCUMBER. If there is any objection, of course it will go over. It is before the Senate by unanimous consent, and if any objection is made it will naturally go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

Mr. McCUMBER. I should like to say simply one word in reference to the precedent. We are establishing precedents of that character every day in our special pension legislation.

Mr. PLATT of Connecticut. I know; pensioning nurses, scouts, teamsters, and wagon masters.

Mr. McCUMBER. But I am simply taking those who acted under the Army and under the orders of the Army and who lost life or became injured while acting in the service of the United States. There is a rule covering specifically those cases. Otherwise they could go direct to the Department and receive pensions.

Mr. PLATT of Connecticut. But this is passing a bill for a class. We had up here the other day a bill for the relief of telegraph operators who served in the civil war, proposing to declare them to be a portion of the Army.

Mr. McCUMBER. No; it did not declare them to be a portion of the Army.

Mr. PLATT of Connecticut. I beg the Senator's pardon; if he will look at the bill I think he will find that it does declare them to be a portion of the Army.

Mr. McCUMBER. The bill could not make them a portion of the Army. It could not be retroactive and make them a portion of the Army if they were not a portion of the Army at the time.

Mr. PLATT of Connecticut. It declares them to have been a portion of the Army at the time.

Mr. CULLOM. In the interest of ascertaining the exact facts in reference to these persons and that Senators may be sure about the facts I suggest that the bill go over.

Mr. McCUMBER. If there is objection, of course the bill will have to go over.

Mr. SPOONER. I will not object to the bill.

Mr. CULLOM. I do not object to the bill either, but I object to its consideration now without a certain state of the case being known.

The PRESIDING OFFICER. Under objection, the bill goes over.

HOUSE BILL REFERRED.

H. R. 16284. An act to transfer Fayette County from western to southern judicial district of Texas was read twice by its title, and referred to the Committee on the Judiciary.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I ask the Senate to proceed to the consideration of the legislative, executive, and judicial appropriation bill.

There being no objection, the Senate resumed the consideration of the bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes.

Mr. CULLOM. We adjourned yesterday evening for want of a quorum during the consideration of a point of order as to the admissibility of the amendment of the committee, on page 33, line 23, increasing the salary of the Civil Service Commissioners from \$3,500 to \$4,000 each. The Senator from Arkansas [Mr. BERRY] made the point of order. I think so far as I am concerned at least, and I have consulted with some other friends, that probably the Chair ruled correctly. I think in addition to that the Senate was of the same opinion by a considerable majority. I am not disposed to pursue the matter any further. If we can withdraw the call for the yeas and nays the amendment may be disposed of according to the ruling of the Chair.

Mr. BERRY. That is entirely satisfactory. The Chair can just rule upon the question of order.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the call for the yeas and nays on the point of order upon the amendment be withdrawn. Is there objection? The Chair hears none. The question is submitted to the Chair by the Senate whether the point of order made by the Senator from Arkansas, that the proposed amendment changes existing law and makes an appropriation for which no estimate had been made, shall be sustained. The Chair holds that the point of order is well taken.

Mr. CULLOM. I do not contest the matter any further.

The PRESIDING OFFICER. Therefore the amendment goes out. If there be no further amendment, the question is on ordering the amendments to be engrossed and the bill to be read a third time.

Mr. CULLOM. I ask unanimous consent that one little amendment may be made where there was an error.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent for the correction of a clerical error.

Mr. CULLOM. On page 109, line 18, the first word in the line, "inspectors" was not stricken out, nor was the word "agents" put in, which was intended to be done.

The PRESIDING OFFICER. If there be no objection, the word "inspectors" will be stricken out and the word "agents" inserted at the point indicated.

Mr. CULLOM. It is simply to make the bill harmonious with another paragraph where that amendment was made.

The PRESIDING OFFICER. The amendment is agreed to. The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

OMAHA NATIONAL BANK.

Mr. WARREN. I ask unanimous consent for the consideration at this time of the bill (S. 1422) for the relief of the Omaha National Bank.

The PRESIDING OFFICER. The bill will be read to the Senate for its information.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. SPOONER. Let it go over.

The PRESIDING OFFICER. The Senator from Wisconsin asks that the bill may go over.

Mr. SPOONER. Without prejudice.

The PRESIDING OFFICER. It will go over without prejudice.

SUPPRESSION OF LOTTERY TRAFFIC.

The PRESIDING OFFICER. The next bill on the Calendar will be stated.

The bill (S. 2514) to amend the act of March 2, 1895, entitled "An act for the suppression of lottery traffic through national and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States," was announced as next in order on the Calendar; and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. LODGE. The bill has been reprinted with certain amendments, and none of them are material. They are only to correct the very incorrect wording of the bill as originally drawn. In the absence of the Senator from Georgia [Mr. CLAY], I ask that those amendments be acted upon.

The PRESIDING OFFICER. The amendments proposed by the Committee on Post-Offices and Post-Roads will be read.

The first amendment was, in section 1, page 1, line 5, after the word "or," to insert the word "of," in the same line, before the word "in," to strike out "deposited" and insert "depositing;" in the same line, after the word "or" where it occurs the second time, to insert "of seeking to have;" in line 7, after the words "United States," to strike out "or carried;" on page 2, line 2, after the word "to," to strike out "(another);" in line 9, after the words "United States," to strike out "(in the United States);" in line 16, after the word "or" where it occurs the second time, to insert "shall;" in line 17, before the word "in," to strike out "deposited" and insert "deposit;" in the same line, after the word "or," to insert "seek to have;" on page 3, line 2, after the words "United States," to strike out "(to another in the same);" and in line 3, before the word "the," to strike out "in" and insert "on conviction for;" so as to make the section read:

Be it enacted, etc., That any person who shall cause to be brought within the United States from abroad, for the purpose of disposing of the same, or of depositing in, or of seeking to have carried by the mails of the United States, from one State or Territory of the United States or the District of Columbia, or territory under the jurisdiction of the United States, to any other State or Territory of the United States or the District of Columbia, or territory under the jurisdiction of the United States, or from any place in or subject to the jurisdiction of the United States to a foreign country, or from any place in or subject to the jurisdiction of the United States through a foreign country to any other place in or subject to the jurisdiction of the United States, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share, or interest in, or dependent upon the event of a lottery, so-called gift concert, or similar enterprise offering prizes dependent upon lot or chance, or shall cause any advertisement of such lottery, so-called gift concert, or similar enterprise offering prizes dependent upon lot or chance to be brought into the United States, or shall deposit in or seek to have carried by the mails of the United States, or transferred from one State or Territory of the United States, or the District of Columbia, or territory under the jurisdiction of the United States, to any other State or Territory of the United States, or the District of Columbia, or territory under the jurisdiction of the United States, or from any place in or subject to the jurisdiction of the United States to a foreign country, or from any place in or subject to the jurisdiction of the United States through a foreign country to any other place in or subject to the jurisdiction of the United States, shall be punishable on conviction for the first offense by imprisonment for not more than two years, or by a fine of not more than \$1,000, or both; and in the second and after offenses by such imprisonment only.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 14, after the word "forty-four," to strike out "and;" in line 17, after the word "or," to insert "of the," and in line 19, after the word "or" where it occurs the second time, to insert "of the;" so as to make the section read:

Sec. 2. That the provisions of sections 3929 and 4041 of the United States Revised Statutes, as amended, respectively, and the provisions of sections 2491 and 2492 of the United States Revised Statutes, and of sections 11, 12, and 13 of the act of Congress of October 1, 1890, entitled "Chapter 1244, an act to reduce the revenue and equalize duties

on imports, and for other purposes," and all other provisions of law for the suppression of traffic in or of the circulation of any such tickets, chances, shares, or interests in or other matter relating to lotteries, or for the suppression of traffic in or of the circulation of obscene books or articles of any kind, shall apply in support, aid, and furtherance of the enforcement of this act.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 10, after the word "lotteries," to strike out "or;" in the same line, after the word "other," to insert "like;" in the same line, after the word "schemes," to strike out "or" and insert "offering;" in line 11, after the word "or" where it occurs the second time, to insert "against," and in line 12, after the word "instruments," to insert "in relation to said lotteries or games;" so as to make the section read:

SEC. 3. That nothing herein contained shall be deemed to repeal by implication sections 3894, 3929, or 4041 of the United States Revised Statutes, or any part thereof, nor any provisions of the act of Congress of April 29, 1878, entitled "An act to prevent the sale of policy or lottery tickets in the District of Columbia," nor any provisions of the act of Congress of September 19, 1890, entitled "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," nor any provisions whatsoever of the laws against the establishment of lotteries, games, or other like schemes, offering prizes, or chances, or against the traffic in or circulation of tickets and other such papers or instruments in relation to said lotteries or games, or the publication of advertisements or notices in any wise relating thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the bill coming over as unfinished business, which is House bill 14749.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

The PRESIDING OFFICER. The first amendment under consideration is the amendment on page 5, which was passed over. The amendment will be read.

The SECRETARY. After the word "prohibit," in line 8, page 5, it is proposed to insert the following proviso:

Provided, That the sale, barter, or giving away, except for mechanical, medicinal, or scientific purposes, of intoxicating liquors within that part of said State heretofore known as the Indian Territory or other Indian reservations within said State, be prohibited for a period of ten years from the date of admission of said State, and thereafter until after the legislature of said State shall otherwise provide.

The PRESIDING OFFICER. This amendment, the Chair is informed, was passed over at the request of the Senator from New Hampshire [Mr. GALLINGER].

Mr. BEVERIDGE. The Senator from Maryland [Mr. GORMAN] was the original objector to the amendment. Has the Senator something to say upon it?

Mr. GORMAN. Not now. I called attention to this particular amendment, but I understood some other Senator wanted to be heard upon it.

Mr. BEVERIDGE. Then let it go over.

Mr. GORMAN. I suggest that the amendment be passed over. The Senator from Colorado [Mr. TELLER], I think, gave notice that he desired to make a speech embracing this very provision.

Mr. BEVERIDGE. The Senator from Colorado wants to make a general speech, as I understand it.

Mr. GORMAN. He does, and I also understood—I may be mistaken about it—that he wishes to be heard on this particular provision, which prohibits the sale of intoxicating liquors in one part of the State for ten years.

Mr. BEVERIDGE. The amendment may go over.

Mr. GORMAN. I hope the Senate will pass it over for the present.

Mr. President, I suggest to the Senator from Indiana that, in view of the illness of the Senator from Colorado and the absence of one or two other Senators who, I understand, desire to discuss the bill, we go on and perfect the uncontested amendments and then postpone the further consideration of the bill.

Mr. BEVERIDGE. There is, perhaps, some other Senator who desires to speak on some other phases or on the general policy of the bill to-day.

Mr. GORMAN. I understand not. Owing to illness and absence, two or three Senators who hoped or desired to talk on the bill are not prepared to speak to-day. Will it inconvenience

the Senator to have the bill go over by unanimous consent until Monday?

Mr. BEVERIDGE. Of course that might be arranged. I understand that the Senator from Colorado is happily convalescing. We have had the bill under consideration for ten days, with pretty continuous debate, except when we have been considering amendments, rather to oblige the Senator from Tennessee [Mr. BATE] than otherwise. We might at this juncture fix some time in the future for taking a vote. No immediate time is requested. The Senator will observe that I have up to this time not been at all insistent, but on the contrary have readily acceded to every request which has been made to me by the Senator and by other Senators upon that side. It has been upon the understanding, of course, that we wish to have a reasonable discussion of the measure, and if a date some time in the future, no matter when, which suits the wisdom and convenience of the Senator, could be fixed, there is no reason why we should not go on with the other business of the Senate; but I would not want all the intervening time, as this is the unfinished business, simply wasted.

Mr. GORMAN. The Senator from Indiana is, of course, very nice about the matter, as Senators always are in the consideration of measures of such importance from time to time, because of the absence of Senators. I myself did not desire to debate the bill, but I think there are three or four Senators who are very anxious to make extended speeches on it. During their absence and the physical condition in which they are, I think it would be utterly impossible to fix a day for a final vote on the bill. I do not think the Senator would gain anything by it. As far as I know personally, there is only a desire to consider the bill fairly and to dispose of it in proper order.

Mr. BEVERIDGE. I so understand.

Mr. GORMAN. When the Senator from Colorado and one or two others who are absent, shall have spoken, and those who favor the bill have been heard, I have no doubt there will be some termination of the question, and there ought to be, but I think it would be impracticable to try to reach an agreement to-day.

Mr. BEVERIDGE. I have gone upon the assumption without any question of what the Senator has just stated, that there is a desire merely to have a full and reasonable discussion, after which a vote might be had. The Senator will bear me out, as I said a moment ago, that I have acted upon that assumption, and that no request has been made by the Senator, or by any Senator, which has not been instantly and gladly acceded to.

I was merely suggesting at this juncture, in view of the fact that the bill is before the Senate and the Senator who desires to address the Senate is ill, that no doubt there might be other Senators who want to speak. When I heard that that was not the case, it seemed after ten days of discussion as though it would not be unreasonable to suggest to the Senator that some future date for taking the vote might be fixed. But, of course, upon the Senator's assurance that after a reasonable discussion there will be no difficulty in that, I do not know why we should unreasonably proceed. I have said to the Senator I would not want to agree that the bill be laid aside until Monday, but I am willing to agree that something else may now be taken up temporarily, such as pension bills, with which we can perhaps occupy to-day, and then to-morrow we can see where we are. I would not want the bill to go over until Monday, but I do not see why it should not go over to-day.

Mr. BATE. I understand there has been an arrangement made for to-morrow.

Mr. BEVERIDGE. No; there was none. The Senator is in error about that. To-morrow is open.

Mr. BATE. I understood this morning that there was an agreement to take up to-morrow bills from the Committee on the District of Columbia.

Mr. BEVERIDGE. No; that was not agreed to.

Mr. GALLINGER. It was objected to.

Mr. GORMAN. The Senator is quite right about that.

Mr. BEVERIDGE. I think it can be arranged so that the rest of the day may be occupied with other business of the Senate, but I would not want to agree that the unfinished business shall be laid aside until Monday. Let us meet each day as it arises.

Mr. GORMAN. The suggestion was made by the chairman of the Committee on the District of Columbia that to-morrow be given to the consideration of other matters, and that this bill be laid aside temporarily.

Mr. BEVERIDGE. That was my understanding, but there was objection later and it was not made the order.

Mr. CLAY. Let me say to the Senator from Indiana that I made inquiry last evening and this morning in regard to the

condition of the Senator from Colorado [Mr. TELLER]. He is stopping at the same hotel with me.

Mr. BEVERIDGE. There is no dispute about the Senator from Colorado.

Mr. CLAY. One moment. The Senator from Colorado is at the same hotel where I am stopping, and I can say that there is no possible chance for him to get here before Monday. He is improving. I say to the Senator that I believe we will gain time by letting this matter go over until Monday, and wait until the Senator from Colorado gets here.

Mr. BEVERIDGE. I am always delighted—

Mr. CLAY. One moment. The Senator from Colorado is exceedingly anxious to be present. He has made inquiry in regard to the progress of the bill, and I believe we will gain time by letting the bill go over. I do not think anyone wants to consume unnecessary time in debating the bill, but it would be improper, I think, to go ahead in his absence when he is so anxious to be here.

Mr. BEVERIDGE. I will say to the Senator from Georgia that I myself, in charge of the bill, would protect the Senator from Colorado just as carefully as the Senator from Georgia would protect him. Indeed, the other day, when I observed the growing indisposition of the Senator from Colorado, I voluntarily suggested to him that he at once go home. We can take the bill up each day as we come to it. By not being willing to lay the unfinished business aside until Monday it does not mean, of course, that I am going to insist on the Senator from Colorado speaking to-morrow. I certainly would be the last one to require him under any circumstances, even if I had the power, to come down here when he is indisposed. Neither the Senator from Georgia nor any Senator has a higher regard nor a more affectionate feeling for that Senator than I. But I am now saying, in answer to the suggestion of the Senator from Maryland, that I think under the statement he has made to-day the unfinished business might be temporarily laid aside until to-morrow, and then to-morrow, when 2 o'clock arrives, we can see what is wise to be done. As to what is the disposition of this side of the Chamber, I will assure the Senator that in the future as in the past there will be no unreasonable disposition upon this side of the Chamber.

Mr. GORMAN. That is entirely satisfactory. I am very glad to hear the Senator make that statement.

Mr. BEVERIDGE. I should like to say merely this—that I shall be very glad to let the unfinished business be laid aside from time to time so that whatever order of business does come up we may consider it.

Mr. GORMAN. Temporarily laid aside?

Mr. BEVERIDGE. Yes; laid aside temporarily, to be called up at any time.

Mr. GORMAN. I trust the Senator will do that, and let us go on to-day with Senate bills on the Calendar. The time has arrived when, if the Senate bills are to be considered elsewhere, they must be acted upon here speedily.

Mr. BEVERIDGE. That is precisely the reason why I made the suggestion, understanding, as I did, the position of the Senator on this subject, that it would not be unreasonable at this stage to fix some future day for voting on the bill.

Mr. GORMAN. I ask unanimous consent that the pending bill will be laid aside temporarily, and that we proceed to the consideration of Senate bills on the Calendar, under Rule IX—

Mr. BEVERIDGE. I wish to say to the Senator that the Senator from North Dakota [Mr. McCUMBER]—

Mr. GORMAN. And pension bills.

Mr. BEVERIDGE. The Senator from North Dakota desired that at 4 o'clock to-day the unobjected pension bills on the Calendar should be considered. Unless some other Senator has objection to that course, I have none. The Senator from North Dakota is not now here. I understand that to be his desire. If I incorrectly state it, he can correct me when he gets back; and in the meantime—

The PRESIDING OFFICER. Does the Senator from Indiana make that as an additional request to that proposed by the Senator from Maryland?

Mr. BEVERIDGE. Yes.

Mr. GORMAN. I accept the suggestion, and ask that the Senate temporarily lay aside the pending bill to proceed to the consideration of Senate bills on the Calendar, up to 4 o'clock, under Rule IX.

Mr. BEVERIDGE. At which time we shall proceed to the consideration of unobjected pension bills, in accordance with the desire of the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from Maryland makes a request that the pending bill be laid aside temporarily until to-morrow, and that the Senate bills on the Calendar be taken up and considered until 4 o'clock.

Mr. BEVERIDGE. Under Rule IX.

The PRESIDING OFFICER. Under Rule IX; after which time the pension bills on the Calendar will be taken up and all the unobjected pension bills thereon be considered. Is there objection to the proposition? The Chair hears none, and the Calendar is before the Senate.

OLD POINT COMFORT IMPROVEMENT COMPANY.

The bill (S. 1718) to compensate the Old Point Comfort Improvement Company for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Va., was announced as first in order on the Calendar.

The Secretary read the bill.

Mr. SPOONER. I should like to inquire if the report on that bill is an elaborate one?

The PRESIDING OFFICER. It consists of sixteen pages.

Mr. SPOONER. Is there any recommendation from either of the Departments in regard to the matter?

The PRESIDING OFFICER. The Secretary will read the indorsement of the Secretary of War on page 8 of the report.

The Secretary read as follows:

[Third indorsement.]

WAR DEPARTMENT, July 3, 1903.

Respectfully returned to the chairman Committee on Claims, United States Senate, inviting attention to the preceding indorsement of the Judge-Advocate-General of the Army and to the accompanying copies of papers therein referred to.

In the sense of having a claim enforceable against the United States in a court either of law or equity it is clear the Hygeia Hotel Company has none. In the sense of having a claim for the consideration of Congress I think the company has one, and that it would be but fair and reasonable treatment for Congress to provide indemnity for the unexpected destruction of value made necessary by the resumption of possession by the United States.

ELIHU ROOT, Secretary of War.

Mr. SPOONER. By whom was the bill reported?

The PRESIDING OFFICER. By the Senator from New Jersey [Mr. KEAN] without amendment from the Committee on Claims.

Mr. SPOONER. I have been informed that the Hygeia Hotel was erected on that reservation with an agreement that it should be removed at the expense of the owners whenever the Government required it. As the Senator who reported the bill is not present, I think the bill had better go over without losing its place on the Calendar.

Mr. GORMAN. That is right.

The PRESIDING OFFICER. The bill will go over without prejudice, if there be no objection.

BERNARD W. MURRAY.

The bill (S. 2113) for the relief of Bernard W. Murray was announced as next in order.

Mr. GALLINGER. I think that bill ought to go over, Mr. President.

The PRESIDING OFFICER. Objection being made, the bill will go over.

TALLEYRAND DESAIX MYERS.

The bill (S. 1284) to restore to the active list of the Navy the name of Talleyrand Desaix Myers was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Naval Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to restore Talleyrand Desaix Myers, now a passed assistant surgeon on the retired list, to the active list of the Navy: *Provided*, That the said Myers shall, upon examination in accordance with regulations to be prescribed by the Secretary of the Navy, before an examining board composed of three medical officers his senior in rank, satisfactorily establish his mental, moral, professional, and physical fitness to perform active service; the place to which he shall be restored to be determined by the Secretary of the Navy after recommendation with regard thereto by said board: *And provided further*, That the said Myers shall be carried as additional to the number of the grade to which he may be restored, or at any time thereafter promoted.

Mr. SPOONER. I understand that bill was reported from the Committee on Naval Affairs?

Mr. GALLINGER. It was; and its passage is recommended by the Department.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Naval Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PURE-FOOD BILL.

The bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes, was announced as next in order.

Mr. PLATT of Connecticut. If we are proceeding under Rule VIII, I do not think we can consider that bill.

The PRESIDING OFFICER. The Chair will state that the Senate is proceeding under Rule IX.

Mr. PLATT of Connecticut. As I have stated, if we are going to proceed under Rule VIII I do not think we can consider this bill at this time.

The PRESIDING OFFICER. The proposition was to act under Rule IX upon Senate bills only; and this being a House bill, it will be passed over.

SAFETY APPLIANCES ON RAILROADS.

The bill (S. 4403) to amend "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, as amended April 1, 1896, and March 2, 1903, was announced as next in order.

Mr. NEWLANDS. I move that that bill be passed over, leaving it in its place on the Calendar.

The PRESIDING OFFICER. The bill will be passed over, if there be no objection.

Mr. GALLINGER. I should like to inquire, as a matter of information—and I will address my inquiry to the Senator from Maryland [Mr. GORMAN]—as to whether we are now proceeding under Rule VIII or Rule IX?

Mr. GORMAN. Under Rule IX.

Mr. GALLINGER. Of course, if we are acting under Rule IX, a single objection would not carry a bill over.

The PRESIDING OFFICER. The Chair will state that he put the proposition to the Senate for the consideration of Senate bills on the Calendar under Rule IX, and that proposition was adopted.

Mr. GORMAN. Yes. If the motion of the Senator from Nevada [Mr. NEWLANDS] be carried, it will leave the bill in its place on the Calendar without prejudice.

Mr. GALLINGER. Yes; if he makes the motion.

Mr. NEWLANDS. I have made a motion to that effect.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada [Mr. NEWLANDS], that the bill be passed over, retaining its place on the Calendar.

The motion was agreed to.

PRELIMINARY EXAMINATIONS BEFORE COMMISSIONERS.

The bill (S. 159) to extend the provisions of section 5392 of the Revised Statutes to the preliminary examinations held before a commissioner lawfully appointed by any court of the United States was considered as in Committee of the Whole. It proposes that the provisions of section 5399 of the Revised Statutes shall extend to every person who corruptly, or by threats or force, endeavors to influence, intimidate, or impede any witness or other person lawfully summoned before any commissioner lawfully appointed by any court of the United States in the discharge of his duty, or corruptly, or by threats or force, obstructs or impedes, or endeavors to obstruct or impede, the due administration of justice before such commissioner.

The bill was reported from the Committee on the Judiciary with an amendment to add the following:

That the provisions of section 5406 of the Revised Statutes shall extend to all persons in any State or Territory who conspire to deter, by force, intimidation, or threat, any party or witness or other person lawfully summoned before any commissioner lawfully appointed by any court of the United States from obeying such summons, or from testifying to any matter pending before such commissioner, freely, fully, and truthfully, or to injure such party or witness or other person, in his person or property, on account of his having so obeyed or testified.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the provisions of sections 5399 and 5406 of the Revised Statutes to the preliminary examinations held before a commissioner lawfully appointed by any court of the United States."

GEORGE T. HAMILTON.

The bill (S. 1353) for the relief of George T. Hamilton, which had been reported from the Committee on Claims with a substitute, was announced as next in order.

Mr. PLATT of Connecticut. Mr. President, if we are going to consider this bill at this time, I suggest that there are very few

Senators who have concluded to stay in the Chamber to listen to the reading of the report.

Mr. SPOONER. And after the report has been read I think it will take some time to discuss the bill. The principle involved in the bill has always been repudiated here, and must of necessity be repudiated. It is, beyond any question, a case that calls for sympathy. I remember a case from New Hampshire, which was one of the most heartrending ever brought to my attention, and had I been able to do so, I should have paid the claim myself, but I could not vote for the Government to do so because of the precedent that would have been thereby established.

Mr. GALLINGER. Mr. President, the New Hampshire case was here a long time before I came into the Senate. I remember the Senator from Wisconsin [Mr. SPOONER] very carefully considered it. That was a case where soldiers fired directly upon citizens of New Hampshire, resulting in the most distressful suffering. That claim was never paid.

Mr. President, this morning we had reached a case in identical language with this, which went over, I suppose, under Rule VIII, under my objection. If it is necessary to make a motion that this bill shall go over, retaining its place, I will now make the motion that it be passed over.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire, that the bill be passed over, retaining its place on the Calendar.

The motion was agreed to.

PENSIONS TO FAMILIES OF INDIAN POLICEMEN.

The bill (S. 3783) for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement, was announced as next in order.

Mr. SPOONER. That is a bill we had under consideration this morning.

The PRESIDING OFFICER. The bill has been already considered, and went over on objection during the morning hour.

Mr. SPOONER. Does it require a motion to pass a bill over, Mr. President?

The PRESIDING OFFICER. The Chair is inclined to think so.

Mr. SPOONER. Then I move that the bill be passed over for the present without losing its place on the Calendar.

The motion was agreed to.

B. JACKMAN.

The bill (S. 3790) for the relief of B. Jackman was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments. The first amendment was, in section 1, line 4, after the word "pay," to strike out "out of any money in the Treasury not otherwise appropriated;" so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to B. Jackman, agent of the Maine Central Railroad Company, Vanceboro, Me., the sum of \$1,678.88, for refund of duties paid on 1,499 cases of condensed milk erroneously entered for consumption and shipped in transit through the United States to Dawson, Yukon territory.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$1,678.88, for the purposes specified in this act.

The amendment was agreed to.

Mr. SPOONER. I do not know that there is any objection to that bill, but I think it ought to be considered when the Senator who reported it is present. If a refund of duties illegally exacted is claimed, I should like to be informed whether the duties were paid under protest. The Senator from New Hampshire [Mr. BURNHAM], who reported the bill, is not present, and glancing rapidly through the report, I do not find the information I should like to have.

Mr. GALLINGER. I will say to the Senator that in the report, alluding to a certain act, this language is found:

In this act it is provided that a written protest shall be filed with the collector within ten days after the erroneous payment of duty.

In a letter dated July 25, 1899, from said attorney, Mr. Raymond, to Assistant Secretary Spaulding, it is stated that the Canadian Pacific agent at Vanceboro did call the attention of the deputy collector at Vanceboro to the error before the ten days' limit expired and suggested that the Department at Washington be at once notified; that the deputy collector assured him that no such action was required, but told him to wait until an "export certificate" from San Francisco could be obtained and presented to the Department, when the duty erroneously paid would be refunded, and that the ten days' limit did not apply to cases of this kind.

That answers the inquiry in part.

Mr. PLATT of Connecticut. But there is more on that subject in the report.

Mr. GALLINGER. That is very likely. I have not had time to examine the entire report.

Mr. PLATT of Connecticut. The report shows that in fact no protest was made. The party tried to excuse the want of a protest on the ground that he told the deputy collector of the error, and that he understood from the deputy collector that a protest was not necessary, but the deputy collector says that he did not advise him that a protest was not necessary. There was no protest made, as a matter of fact.

Mr. SPOONER. If we go into the business of refunding duties illegally collected in the absence of protest, it will involve countless millions of dollars. It has always been the policy not to do it. I suggest that the bill go over, Mr. President, until the Senator who reported it is present. It may be a proper bill to pass; I do not know.

Mr. BURNHAM entered the Chamber.

Mr. PLATT of Connecticut. The Senator from New Hampshire is now present.

Mr. SPOONER. I wish the Senator from New Hampshire would make a concise statement of the facts relating to the bill under consideration.

Mr. BURNHAM. The report is a very brief one, and makes a very concise statement.

Mr. SPOONER. What are the facts? Why was the duty an illegal duty?

Mr. BURNHAM. The facts in brief are these: The goods were shipped from Canada by way of San Francisco to Dawson, in the Yukon territory, and by mistake at the port of Vanceboro, Me., the duty was collected.

Mr. SPOONER. Why were the goods not sent in bond?

Mr. BURNHAM. I do not know. The mistake was made by the railroad agent and by the collector of the port, both of them supposing that the goods were going to San Francisco, when, as a matter of fact, they were going from one part of Canada, to Dawson, Yukon territory, in another part of Canada. The duty was collected through a mutual mistake on the part of the railroad agent and the collector of the port.

Mr. SPOONER. They were improperly entered, then, at the port in Maine?

Mr. BURNHAM. Yes. The goods were properly marked to Dawson, Yukon territory, but being sent by way of San Francisco, a mistake was made in supposing that that was to be the final place of shipment. It was a mutual error, and it seemed to the committee that it should be rectified.

Mr. SPOONER. What does the Department say about it?

Mr. BURNHAM. I have not the report of the Department, and I do not have the correspondence before me; but the query should be, Whether in fact the goods were for San Francisco or for Dawson? It was ascertained by papers that were on file, and not disputed, that the goods were actually sent to Dawson and should not, of course, have paid duty.

Mr. SPOONER. Will not such mistakes happen all the time if we enter upon this business?

Mr. BURNHAM. It seems that this was a very unusual case. The railroad agent as well as the collector made the mistake. The matter would have been disposed of probably at the time, except for the statement of the collector to the railroad agent, as soon as the mistake was discovered, that if they could get a certificate of export and send to the Department the duties would be refunded, and that the time limit within which the matter could be presented to the Government—I think there is a ten-day limit—would not apply.

Mr. SPOONER. Did they get a certificate of export?

Mr. BURNHAM. They sent for it, but the certificate was not sufficient.

Mr. SPOONER. Mr. President, I hope the Senator will be willing that the bill shall go over, in order that the matter may be examined. It is important.

Mr. CLAPP. May I have a moment?

Mr. SPOONER. Yes.

Mr. CLAPP. While I do not now remember the details exactly, we examined the bill very carefully at the time it was being considered by the committee, and we were thoroughly satisfied of its merit.

Mr. BURNHAM. As I have said, the duty was paid under a mutual mistake. It was a mistake of the collector as well as of the railroad agent. The goods were marked for Dawson, and, as a matter of fact, they went to Dawson.

Mr. SPOONER. I do not challenge the accuracy of the statement that it was a mistake; but I served a good many years upon the Committee on Claims when I was formerly a member of the Senate, and we had to guard such bills all the time, espe-

cially in such cases as this, because of the effect of the precedent. I remember one case where it was admitted that there was no earthly question that the Government had illegally exacted, as a condition of the withdrawal from the custom-house of certain goods, the payment of duties, but no protest had been made, as in this case none has been made. That seemed to be a proper case, and I was very clear that we should report favorably upon it; but upon a reference of the matter to the Department and a conversation with Mr. Sherman, who at that time was a member of the Senate, it became obvious that the passage of that bill would constitute a committal by Congress to a principle which would involve a hundred million dollars to the Government in the way of other refunds of illegally exacted duties that had been paid without protest. Where there is a protest the law provides a remedy without the intervention of Congress. The facts are ascertained and judgment rendered accordingly.

I submit to the Senator that it would be, I think, necessary to refer this case to the Department for the ascertainment from the files of the Government of the facts which should be considered by the Senate.

Mr. BURNHAM. I do not know what particular facts the Department could furnish to the committee.

Mr. SPOONER. Is there any statement by the collector?

Mr. BURNHAM. There is a statement by the collector that bears upon the question whether or not the collector misled the railroad agent by what he said with reference to the export certificate. The collector gave the railroad agent, the party representing the claimant, to understand that if he would get an export certificate from San Francisco showing that the goods were shipped from there on the way to Dawson that would be sufficient and the Government would refund the duty; but during the delay occasioned by his efforts to get the certificate the time limit for protest had passed. Then, as I understand, the Government said the time limit had expired and a refund could not be made.

Mr. SPOONER. There is a conflict between the statements of the railroad agent and of the collector.

Mr. BURNHAM. There is a conflict to some extent, but the committee were satisfied that the shipper understood that the export certificate would be sufficient to allow the refund of the duties.

Mr. SPOONER. One trouble is that the procedure under the law is perfectly plain. The goods might have been shipped in bond and the difficulty would have been avoided; but if the shipper considered that the duties had been illegally collected, he was bound to know that it would be necessary for him to enter his protest. The law on the subject is clear. If the liability of the Government to refund is to be dependent upon an understanding or misunderstanding between a citizen and the officer, there would be no limit to these cases. If we should release a man from the common obligation to know what the law is governing the transaction of such business, and remit it to a mere matter of conversation between him and an official, where would we land?

Mr. BURNHAM. It seemed to the committee simply a mistake in which the collector, the representative of the Government, was at fault as well as the shipper, and that the collector's statements were misleading, as the committee understood.

Mr. SPOONER. The representative of the Government says he was not at fault.

Mr. BURNHAM. Well, he made statements—I can not now quote them—to the effect, as I say, that if the shipper did a certain thing, if he procured a certificate, he would then be protected.

Mr. SPOONER. Mr. President, I certainly do not wish to make any opposition to this bill unless the public interest clearly requires it, but I hope that it will not be regarded as offensive at all if I move that the bill be passed over without prejudice. I should like to look further into it.

Mr. BURNHAM. I am very sure when the Senator has examined it fully he will concur with the committee.

Mr. SPOONER. That may be, but I should like to have the bill go over.

The PRESIDING OFFICER. The Senator from Wisconsin moves that the bill may be passed over without prejudice.

The motion was agreed to.

FUR-SEAL FISHERIES CLAIMS.

Mr. FULTON. Mr. President, there is a bill on the Calendar which has been before the Senate several times and laid aside without prejudice, which I ask unanimous consent to have taken up and considered at this time. It is Senate bill 3410.

The PRESIDING OFFICER. The Senator from Oregon asks

unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 3410) to extend to citizens of the United States who were owners, charterers, masters, officers, and crews of certain vessels registered under the laws of the United States, and to citizens of the United States whose claims were rejected because of the American citizenship of the claimants, or of one or more of the owners, by the international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, the relief heretofore granted to and received by British subjects in respect of damages for unlawful seizures of vessels or cargoes, or both, or for damming interference with the vessels or the voyages of vessels engaged in sealing beyond the 3-mile limit, and beyond the jurisdiction of the United States, in accordance with the judgment of the fur-seal arbitration at Paris, in its award of August 15, 1893, and so that justice shall not be denied to American citizens which has been so freely meted out to British subjects.

Mr. FULTON. The bill has been read, Mr. President, all the amendments which have been reported by the committee have been disposed of, and there are no pending amendments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon that the bill named by him be taken up for consideration?

Mr. McLAURIN. Mr. President, I think the junior Senator from Iowa [Mr. DOLLIVER] desires to be heard on this bill, and I should dislike to have it considered in his absence. I myself have no objection to the consideration of the bill at this time, but—

Mr. FULTON. I think the Senator from Wisconsin [Mr. SPOONER] desires to make some observations on the bill. The Senator from Iowa [Mr. DOLLIVER] has gone into the Marble Room. He told me, however, that he would be in the Chamber in a few minutes. I will send out for him.

Mr. McLAURIN. The junior Senator from Iowa is the one I had in mind.

Mr. FULTON. As I say, I think he stepped into the Marble Room. I will send for him.

Mr. PLATT of Connecticut. We had this bill under discussion somewhat the other morning, Mr. President. It will take considerably more discussion before it is disposed of, and there will be a full Senate required when it is disposed of. Therefore I think it had better go over.

The PRESIDING OFFICER. The Senator from Connecticut objects to the present consideration of the bill. Does the Senator from Connecticut move that the bill be passed over without prejudice?

Mr. PLATT of Connecticut. I do, if that is necessary. It seems to be a new practice in the Senate.

The PRESIDING OFFICER. It is necessary to make such a motion, the Chair believes. The question is on agreeing to the motion of the Senator from Connecticut.

The motion was agreed to.

Mr. FULTON. If there is no objection, I should like to have it appear that the bill goes over without prejudice.

Mr. PLATT of Connecticut. Oh, yes, Mr. President. Whenever it can be taken up I am ready to discuss the matter further.

The PRESIDING OFFICER. It will so appear.

CHARLES R. HOOPER.

The bill (S. 535) for the relief of Charles R. Hooper was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$50 per month for sixty months to Charles R. Hooper, or his heirs. And there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, a sufficient sum to make said payments.

The amendment was agreed to.

Mr. PLATT of Connecticut. Mr. President, we might just as well have it out on one of these cases and have a vote of the Senate by yeas and nays as to whether the Government is going to acknowledge itself to be liable for these claims. Here was a man, a workman in a forge shop in the District of Columbia, who was struck in the left eye with a piece of steel. Whether it was his own fault or anybody's fault does not appear here, so far as I can see. Where the piece of steel came from that hit him in the eye and destroyed his sight does not appear. But simply because he was a workman in a forge shop of the Government and a piece of steel flew into his eye and put it out it is proposed to make this payment to him.

I do not want to discuss the bill, but I do propose to have a vote on it, and I desire to record my vote against it.

Mr. CLAPP. Mr. President, so far as concerns the question of the manner in which this accident occurred and this man's responsibility for it, it seems to me it is covered by the recommendation of the committee that the bill be passed.

On the general question whether we shall pay any claims of this kind, I may say that I would just as lief have it settled now as at any other time. Personally I should vote for the bill, having been authorized by the committee to report it, but I am rather adverse to the idea of the Government being held for claims of this character.

Mr. PLATT of Connecticut. Will the Senator permit me? I was in error. I had not read the report. I see the report says:

While so engaged, a fellow-workman was striking a piece of steel, from which a small piece flew and struck the left eye of said Charles R. Hooper.

I see I was mistaken as to that.

Mr. CLAPP. Does the Senator from Connecticut want to bring up the question whether the Government should pay in such cases?

Mr. McCOMAS. Mr. President, I happen to know of this case and to know this man. I have great sympathy with the desire to watch carefully any attempt to make the Government liable for all sorts of mishaps. This case passed the House, and I happened to read the debate, because I knew the man. There was, I think, convincing evidence that the injury to this man's eye, causing the loss of one eye and endangering the sight of the other, was the result of the negligence of a fellow-workman who, without intent, but rather carelessly, when this man was taking some part in the work, dropped the hot metal at such a time and in such a way as Hooper had no right to expect or believe. Each had been there for years; Hooper, I believe, for very many years, probably ten or twelve. He was entirely without fault, but he certainly has lost one eye, and he may lose the other.

The case, I remember, was quite fully debated in the last House. The House passed the bill after debate. It came here. The bill failed in the last Congress. If the Government is to say that in no case will it compensate a man who, while doing his duty and without negligence, suffers an injury which is a life hurt, a serious hurt to him, I think perhaps this is hardly a good case in which to make the test.

I understand the Senator from Connecticut has since looked into the case and, if I am right about it, does not wish to press a vote on the pending bill.

Mr. PLATT of Connecticut. Oh, yes; we might as well have the question settled as to whether the Government is to be liable for damages if a man meets with an accident in its employ or when something that a fellow-workman does, which is not shown to be negligent or careless in any way, causes the injury. We might just as well take a vote on it and make a precedent, and then we shall know what to do in the future.

Mr. McCOMAS. Of course what has been done has been done, and I have not the slightest idea that the vote on any one claim will make a precedent which will control in any other case. It will be just the passing action with respect to a particular bill.

This man has just the case I have stated. He was a worthy workman, employed by the Government for years, and without any want of care on his part, while performing his duty, he received the injury. A piece of steel went into his eye and caused the loss of the eye and may make him blind. The bill appropriates \$50 a month for sixty months to Charles R. Hooper, and it does not make a lump sum appropriation. I think that is the effect of the Senate amendment. I hope that the bill for the relief of this poor fellow may not be made a test case, although, of course, I recognize that any man's case may be made so.

Mr. PERKINS (Mr. MALLORY in the chair). Mr. President, I know nothing about the merits of this particular case. I doubt not that the statement made by the Senator from Maryland is correct in every respect. The amendment reported by the Senate committee proposes that the beneficiary shall receive \$50 a month for sixty months in compensation for the injury he has received, which is the loss of an eye.

It seems to me, notwithstanding the objection of my friend the Senator from Connecticut—and there is no one for whose good judgment I have greater respect—that the Government should deal as liberally, as justly, as fairly with its employees as does a private company or a private corporation.

I have been engaged for many years in the transportation business—in the steamship business. We have no law that com-

pels us to care for those who are injured in our employ. Indeed, the Government provides a marine hospital where seamen are supported and cared for, receiving surgical aid and medicine when they are sick or suffering from injuries. But there never has been a case that came to my knowledge during the administration of the affairs of that company where one was permanently injured and had a family or others dependent upon him for support that the company did not make an allowance to him of so much a month for a certain period of time.

I think the same rule prevails on many of the railroads and among many of the factories of our country. It is a just, a humane, and, I believe, a wise provision, and I have already introduced at this session of Congress a bill providing that under certain conditions those who are injured while working for the Government in the navy-yards of the country, in the machine shops—injured not by their own carelessness, but by those accidents that occur among mechanics and workmen in every vocation of life—shall receive for a certain period of time a fixed sum. Call it a pension if you please. It is simply compensating them that they may not be dependent upon charity for their existence during the time when they are suffering from an injury which they have received in the performance of their duty.

I am ready to follow my friend the Senator from Connecticut on almost every proposition, but in this case I can not. We have come to the parting of the roads, and I believe if he considers this matter carefully he will vote for a measure whereby those who are injured in the employ of the Government, in the navy-yards and in the machine shops and elsewhere, may be properly provided for.

Mr. PLATT of Connecticut. Do I understand the Senator from California to claim that whenever any accident occurs, where there is no negligence shown on the part of the Government, or even on the part of a fellow-workman, the Government is bound to compensate the person who receives the injury?

Mr. PERKINS. I believe, Mr. President, the Government, which can not be sued in any court, should be as just and should be made as liable, after a commission has found certain facts, as a private corporation or company would be in a court of justice.

Mr. PLATT of Connecticut. But does the Senator claim that a private corporation would be liable to a workman who was accidentally injured, without negligence on the part of the corporation or negligence shown on the part of a fellow-workman?

Mr. PERKINS. I am aware, of course, that in most of the States of the Union a company is not liable for injuries which may be received by an employee through the carelessness of a fellow-workman.

Mr. PLATT of Connecticut. I am not putting it there. If we are to part company, we want to know on what we part. I understand the Senator's proposition to be that every person who is injured accidentally when in the employ of another person ought to be compensated by that person, though there is no negligence shown on the part of anybody, and it is purely accidental.

Mr. PERKINS. Oh, no.

Mr. PLATT of Connecticut. That is what I understood.

Mr. PERKINS. That is too broad a statement. I do say that the Government should be as liable for damages and should deal as justly with those who are in its employ as a company or a private corporation.

With respect to this bill, we are to pass it upon its merits. I see, by a cursory reading of it, that this man was employed in the machine shop in Washington, D. C., and he received a permanent injury, such as not one of us would take a hundred thousand dollars or a million dollars and suffer. By this bill it is merely proposed to compensate him to the extent of \$3,000.

Mr. PLATT of Connecticut. This bill says it was an accident.

Mr. PERKINS. Almost everything that occurs to us is the result of an accident. My friend may walk out and slip on the sidewalk and break an arm or a leg, and it is an accident.

Mr. PLATT of Connecticut. What I want to know is whether the Senator proposes to vote for this bill on the ground that a workman employed by the Government, sustaining an accident while in such employment, ought to be compensated by the Government?

Mr. PERKINS. The committee have investigated this case. They have heard the testimony—

Mr. PLATT of Connecticut. Oh, well.

Mr. PERKINS. They reported favorably on it; and I am prepared in this instance to follow the report of the committee.

Mr. PLATT of Connecticut. The Senator who reported it says he is not satisfied as to the propriety or wisdom of adopting such a bill and making such a precedent.

Mr. CLAPP obtained the floor.

Mr. McCOMAS. Will the Senator from Minnesota yield to me for a moment?

Mr. CLAPP. Certainly.

Mr. McCOMAS. I introduced this bill. I remember distinctly that I read the debate in the House before I introduced the bill, and the statement was made by those there, who seemed to have a full report of the facts, which is not accessible in the present report—it was reported in the House a few years ago—and the statement was several times repeated, that the injury happened in an unexpected manner; that it happened in a way which ordinarily the fellow-servant would not have a right to expect it would happen, and that there was some carelessness on the part of the person who hit the hot metal, whereby this man, who had been in no wise negligent or lacking in care, suffered injury.

It seems to me it is not well or wise that in the case of an humble and industrious blacksmith, working for the Government at a forge, the extreme rigidity of the rule with respect to injury by the act of a fellow-servant should be applied by the Government of the United States. There are commonwealths that have modified the rule. Railroads have been required in some respects to submit to a milder rule, where a servant is injured, and injured by the act of a fellow-servant. Certainly it can not happen that every day one man helping another man, striking metal, loses an eye by it. In this case the eye of the beneficiary of this bill was put out. I do not want to mislead the Senate, but I confess frankly that I have not a distinct and clear recollection of all the statements I heard in this case, nor have I a distinct and clear recollection of all that was said in this case by men who vouched for what they said.

But I want to say that the impression made on my mind before I introduced this bill, after it had passed the House, was that there was evidence tending to show the negligence of the fellow-employee. I have forgotten his name, if I ever knew it. Probably I did. I think that must have influenced the Senate committee. I think it must have influenced the House, which passed the bill. It failed in the Senate the last time.

I submit that in the case of this honest and industrious blacksmith, where the compensation is simply the payment of a sum of money for a limited time, it is not wise or necessary, nor is it the time to press the rigid application of the rule that a man injured in working for the Government is to be set adrift without any compensation upon the doctrine of fellow-servant. I think this case might pass.

Mr. SPOONER. Mr. President, the Senator from Maryland [Mr. McCOMAS] is a very careful legislator; he is a learned lawyer; he was a very able judge, and he has made a splendid Senator. He has impressed me with the feeling that if it were not simply a matter of sympathy with him he would not be found either introducing or supporting this proposition. He sympathizes with this man, whom he knew. I do not know him, but I sympathize with him as warmly as it is possible for me to do. But we are not here simply to be guided by our sympathies. As I had occasion to say the other day, we are not here voting our own money. We are here as trustees, holding the purse in which is the money of the people, gathered in for governmental purposes under many laws.

The Senator talks about fellow-servant. There is no law relating to the liability of an employer growing out of the fellow-servant doctrine that is applicable at all to this bill, as the report states the case. It may be that the Senate and the House will yet come to adopt the principle that the Government, employing millions of men in one service and another, shall be liable as under the common-law rule which governs liability because of the negligence of a fellow-servant.

The Senator from Connecticut [Mr. PLATT] is right. Let us meet that as a general proposition, for, when it comes, it will be a revolution of the system which has prevailed from the foundation of the Government.

But this case is no such case. There is no pretense in this case that the Government was negligent. There is no pretense that it was negligent in respect of adequate and proper equipment. There is no pretense that it was negligent in the employment of an incompetent or unfit servant—none at all. Under no law that I know of would any private corporation, steamship or other, be liable in a court of justice, because there is neither negligence on the part of the employer, nor upon the part of the man who was injured, nor upon the part of the man who injured him.

So far as this case is made to appear by the report of the committee, it is a case of pure accident—nothing else, nobody being at fault. If we shall do this in the case of the blacksmith, why not in the case of the carpenter; why not in the case of all the men who work in the navy-yard; why not as to the men who work on our ships at sea; why limit it to any class of employees of the Government? Why single out one

person and pay money to him as a matter of kindness, of generosity, or from the standpoint of sympathy or sentiment, for, after all, it is sympathy? Shall we do that in all cases where an employee of the Government, without fault on the part of the Government, without any fault upon his own part, without fault upon the part of those with whom he is working, is by an accident injured? There are some—

Mr. GALLINGER. Will the Senator from Wisconsin permit me?

Mr. SPOONER. Certainly.

Mr. GALLINGER. If we enter upon that policy, so far as the Government is concerned, why should not the employer of labor likewise be held responsible?

Mr. SPOONER. The employer of labor would not be liable in any court in any such case.

Mr. GALLINGER. Neither would the Government.

Mr. SPOONER. Neither would the Government.

Mr. GALLINGER. That is what I say.

Mr. SPOONER. Why single out this case?

I say to the Senator from Maryland, Shall it be done in all such cases? He will not say yes. But in the vast number of employees of the Government injuries akin to this, originating not in this precise way always, but in others quite as natural and quite as inevitable, are liable to occur. I expect somewhere in the United States, among our army of employees, something akin to it happens every day.

Now, let us have a rule about it. If this is a good case for an appropriation—and it never has been so considered hitherto—all of them are good cases for similar appropriations. The Senator from California [Mr. PERKINS] while engaged in this business might extend the bill which he has drawn, which, I understand, extends the rule of the common-law liability of the employer for injuries received through the negligence of a fellow-servant to the Government. Am I right about that?

Mr. PERKINS. The Secretary of the Navy during the past six years has recommended a measure similar to that which I have indicated.

Mr. SPOONER. What is the bill?

Mr. PERKINS. That where people have been engaged in the employ of the Government in the navy-yards and are injured a commission shall be appointed to determine whether it was the result of their own negligence or that of a fellow-workman or by some imperfection in the machinery furnished by the Government.

Mr. SPOONER. Is the Senator's bill limited to navy-yards?

Mr. PERKINS. It is.

Mr. SPOONER. Why?

Mr. PERKINS. Because I am on the Committee on Naval Affairs, and I thought I had all I could undertake at this session of Congress.

Mr. SPOONER. I commend the Senator to be as just and generous to the employees of the Government not in the navy-yards as to those who happen to be engaged in the navy-yards. Why not enlarge the bill?

Mr. PERKINS. I think the principle is correct. I think the Government—I reiterate that which I have stated before—should be as just to its employees, whether in the Navy, the Army, or any department of the Government, as a private corporation or a private company, as my friend the Senator from Wisconsin would be if this man had been injured in his employ. I venture the assertion that if he had been, he would have compensated him more than is provided for in this bill.

Mr. SPOONER. That is the argumentum ad hominem.

Mr. PERKINS. Nevertheless it is an appeal to one's human sympathy.

Mr. SPOONER. What I might do as between my employee and myself I would do with my own money, not with the Senator's, and we are here voting the money of other people. We stand between the people and an improvident or improper expenditure. It is not this case that I am talking about, but all similar cases involving the expenditure of public money.

Mr. PERKINS. If the Senator will permit me, I will state in justice to myself that I have never voted for a measure appropriating the Government's money that I would not have voted the same way were it my own individual money.

Mr. SPOONER. I did not intimate the contrary.

Mr. PERKINS. Therefore if it is an error at all it is an error of judgment and not of the heart.

Mr. SPOONER. I did not intimate to the contrary. Whether the rules shall be changed and the Government shall be made to stand as to its employees upon the doctrine of common-law liability growing out of the relation of servants and employers is a very large proposition, not to be disposed of simply upon sympathy or the popularity of the proposition, but it is to be met by the Senate and the House and disposed of with reference to the

interests of the Government and the people. Up to this date the Government has never been made an insurer of the care and the skill of its vast army of employees.

Mr. GORMAN. Will the Senator permit me just one word?

Mr. SPOONER. Certainly.

Mr. GORMAN. The Senator states what is the rule as a matter of course. Few people injured in the Government service have ever been provided for, but that has not been universally the case. In cases of loss of sight or being maimed for life the Government has provided for not only those in the employment of the navy-yards, but those in employment in this Capitol.

There are two or three cases I have now in mind where men were performing some service and they were maimed and Congress made an exception in their favor. A man broke an arm or lost an arm at the other end of the Capitol, and an employee of the Senate, while in the performance of duty, lost his life by the negligence of workmen. Another case I recall is that of an employee of the Senate who, through an accident, caused not by his fault, was maimed for life. He was provided for. We provided for both men and women in the navy-yard in that great disaster where they had an explosion; we have provided for them in the civil branch; we provided for them in the case of the Ford's Theater disaster. But these were exceptional cases, where they have been maimed for life and where they had no legal right to claim it. Congress has in all those cases provided for them. Here is a poor man, probably maimed for life, and it is rendered impossible for him to get a livelihood. It is on all fours with the cases which have heretofore been provided for, and it is given not as a right but as a donation.

Mr. SPOONER. I see that the two Senators from Maryland are unanimous on this particular bill. I suppose that is natural. All the cases mentioned by the Senator from Maryland were cases of negligence.

Mr. GORMAN. Not all; but the result of accidents that were unavoidable.

Mr. PLATT of Connecticut. The Ford's Theater disaster was certainly a case of negligence. It was put on that ground.

Mr. GORMAN. Yes, that case; but take the case I refer to in this Capitol, when an explosion of gas occurred, and we made provision for the sufferers. Where the disaster was extraordinary and they were maimed for life or it was made impossible for them to earn a livelihood, it was given in the shape of a donation.

While I do not know this applicant and never heard of him until I read the bill in the Senate to-day, I have no doubt from the statement made that it is one of the cases which come under that rule. It is a small matter, and it is not establishing a precedent. Therefore I do trust the Senator will permit the bill to pass.

Mr. PERKINS. Mr. President—

The PRESIDING OFFICER (Mr. MALLORY in the chair). The Senator from Wisconsin has the floor.

Mr. PERKINS. Will the Senator from Wisconsin yield to me for a moment?

Mr. SPOONER. Certainly.

Mr. PERKINS. When I called the attention of the Senate to this particular case it escaped my mind for the moment that one who is in deep touch with the people of the country, as was evidenced in the recent Presidential election, has given expression on this very same subject-matter. Therefore, with the Senator's permission, I desire to read the following short extract from the message of the President of the United States, on page 3:

The wage-workers are peculiarly entitled to the protection and the encouragement of the law. From the very nature of their occupation railroad men, for instance, are liable to be maimed in doing the legitimate work of their profession, unless the railroad companies are required by law to make ample provision for their safety. The Administration has been zealous in enforcing the existing law for this purpose. That law should be amended and strengthened. Wherever the National Government has power there should be a stringent employer's liability law, which should apply to the Government itself where the Government is an employer of labor.

It seems to me, Mr. President, that the language of the President in this official message to Congress echoes the sentiment I gave expression to, and which is very near to my heart, because I believe it to be just and right. I think the President is right. I think he is in touch properly with the people on this question.

Mr. SPOONER. Mr. President, the recommendation of the President did not escape my memory if it did the memory of the Senator from California. I look upon that, of course, as just what it is, the opinion of the President, properly communicated to Congress, as to a change which he conceives ought to be made in the laws of the United States. Of course that is persuasive and entitled to earnest and respectful consideration. But when the time comes to act upon it I hope to be able to

remember that the question for me to consider is what, after a thorough and faithful study, my judgment is about it as a Senator acting under oath and a member of a coordinate and independent branch of the Government.

When the time comes, I may vote for that proposition, after carefully considering it, and I suppose the Senator may do so before carefully considering it. I may not see my way clear to vote for it. It does not arise upon this bill in any view of it. The next bill to this is just like this bill. These are not isolated cases. I know of a number in this city who are similarly situated. I know some one who has been helped privately from sympathy who is similarly situated. The question is not this particular bill, but whether we should go into this business as a rule. If we do it in one case, we ought to do it in all.

Mr. WARREN. Mr. President—

Mr. SPOONER. Just a moment and I will be through. I realize that in the face of such appeals—

Mr. TILLMAN. Mr. President—

Mr. SPOONER. Pardon me for just a moment. It is an ungracious office to oppose such a measure, and I want to be relieved by the Senator from South Carolina (I would not under the circumstances choose the Senator from California), but I should like to be relieved from further exercising the function of a "watchdog of the Treasury" this afternoon.

Mr. WARREN. Mr. President, without reference to this particular bill the Committee on Claims, which reported this and a very, very few other similar bills, does not undertake to establish any precedent or to overturn any precedent already established. There are innumerable bills of personal injury that come before that committee, and nearly all of them are passed upon unfavorably. But there are some that appeal, not only to our sympathies, but to our love of justice, and they appear in a way that the committee believe them entitled to favorable consideration, and that relief should be afforded by the Government to in some measure compensate for their great loss.

I dare say that out of the number of claims that we refuse to pass favorably upon in that committee there are many which any member of the committee would cheerfully acknowledge were claims upon his pocket, as well as sympathy, if he were in business and the injured person in his employ.

Similar bills have passed this Congress and in prior Congresses. Possibly some have passed that ought not to pass. It is my belief that a great many have not passed which ought to pass. I recall two or three passed in the first session of this Congress. It is not a matter of precedent. It is a matter of gratuity, if you wish to put it that way, though it be only a matter of partial compensation for great personal harm suffered by the claimant. The Government does not assume by payment that it is legally responsible. When it pays one it does not agree that it will pay another.

It is simply that where a case is strong enough to appeal to the judgment and conscience of Congress a gratuity is allowed. Our laws have recognized gratuities and our courts also, and that the Government may appropriate and pay sums that, strictly speaking, are a gratuity.

Mr. TILLMAN. Mr. President, I am unfortunate inasmuch as I am here in the attitude of making comparisons. I recall a case in my own personal knowledge. When the Government began work on the Charleston jetties they leased a quarry 3 miles from where I live. Many of the employees of the Government were people whom I knew. Among them was one who was employed to run the engine for hoisting. By some explosion either of dynamite or through some accident (I have forgotten the details) that man had one eye put out and his hand so lacerated that he can not use it, and his arm was broken. I have tried three or four times to get through a bill for his relief, but I could not find any of that milk of human kindness which seems to have settled down here. I do not want to get up an Irish bull of a simile, but anyhow the present Committee on Claims is immersed in the milk of human kindness, and we are gratuitously distributing money contrary to the usage heretofore and the technical construction of the rights of individuals under such circumstances.

I notice another thing. This claim is ten years old. This man happened with this misfortune in 1894, and, while the bill as originally introduced provides for \$5,000, the committee is so gracious and kindly and so humanitarian in its aspirations and feelings that it proposes to give him \$30,000.

Mr. McCOMAS and Mr. PERKINS. Three thousand dollars.

Mr. TILLMAN. Fifty dollars a month for sixty months. I beg your pardon. All right; it is \$3,000. Why do you not say \$3,000 in the bill? I made just a little miscalculation in arithmetic. I thought possibly I might get some recognition of the claim of my old friend down there, who is not limping through life, but he is blind in one eye. That is not an obstruction to

working; I do a little work with one eye; but still when the claim came to this committee it never would look at any bill I introduced for his relief. Why these discriminations? Why not have a general law providing for the compensation of Government employees under certain circumstances and lay down a general rule? Why leave it to the whims and generosity, so to speak, of this or that committee?

Mr. McCOMAS. Will the Senator from South Carolina permit me?

Mr. TILLMAN. Certainly. I am asking the question of some one.

Mr. McCOMAS. In this case this man has had a bill in the Senate and House ever since the time of the injury.

Mr. TILLMAN. I have had my bill here three or four times and I never could get the committee to even squint at it, much less look at it.

Mr. McCOMAS. This man has now been waiting for eleven years, and if he would have to wait until a general bill were passed he would be much older.

Mr. TILLMAN. I do not want a general bill; I want the specific bill which I introduced and for which I could not get any consideration.

Mr. McCOMAS. If the Senator can not get his own bill passed he ought to help to get this measure through.

Mr. TILLMAN. I do not believe in making flesh of one and fowl of another; and if I can not get compensation for a South Carolinian whose eye was put out while he was working for the Government I do not want a man from Maryland or Virginia, or from anywhere else, to get compensation for injury under the same circumstances. I object to this bill.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment.

Mr. TILLMAN. I object to its consideration, if I am still in time.

The PRESIDING OFFICER. The Senator will have to move that the bill be laid aside.

Mr. TILLMAN. I beg pardon; I thought we were taking up unobjected bills.

Mr. GORMAN. No, sir.

Mr. TILLMAN. All right; then I will introduce a bill immediately and will hope to have its favorable consideration, and I will expect to have the two Senators from Maryland to be my right and left bowers when I seek to get something from the Government as a gratuity for my old friend.

The PRESIDING OFFICER. Does the Senator from South Carolina make any motion?

Mr. TILLMAN. No; I do not make any motion. Let the bill go through.

The PRESIDING OFFICER. If there be no further amendment proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and it was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. PLATT of Connecticut. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MILLARD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. CLARKE]. As he is not present, I withhold my vote.

Mr. MALLORY (when Mr. TALIAFERRO's name was called). My colleague [Mr. TALIAFERRO] is unavoidably absent from the Senate to-day. He is paired with the Senator from West Virginia [Mr. SCOTT].

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I am informed that he would vote the same way as I propose to vote, and I therefore feel at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. I desire to ask if the junior Senator from Missouri [Mr. STONE] has voted on this proposition. I have just come into the Chamber.

The PRESIDING OFFICER (Mr. PERKINS). The Chair is informed that he has not voted.

Mr. CLARK of Wyoming. I am paired with that Senator, and I refrain from voting.

Mr. CLAPP (after having voted in the affirmative). Observing the absence of the Senator from North Carolina [Mr. SIMMONS], with whom I am paired, I wish to withdraw my vote.

Mr. DEPEW (after having voted in the affirmative). I have a general pair with the Senator from Louisiana [Mr. Mc-

ENERGY]. I transfer that pair to my colleague [Mr. PLATT] and let my vote stand.

Mr. GAMBLE. I ask if the junior Senator from Nevada [Mr. NEWLANDS] has voted.

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. GAMBLE. I have a general pair with the junior Senator from Nevada. If he were present, I should vote "nay."

Mr. MALLORY. I desire to announce that the Senator from Idaho [Mr. DUBOIS] is absent on official business and that he is paired with the senior Senator from Oregon [Mr. MITCHELL].

Mr. BATE. I announce that my colleague [Mr. CARMACK] is absent and is paired with the Senator from Wisconsin [Mr. SPOONER].

Mr. GAMBLE. I transfer my pair to the senior Senator from Rhode Island [Mr. ALDRICH] and I vote "nay."

The result was announced—yeas 23, nays 22, as follows:

YEAS—23.

Alger	Depew	Gorman	Morgan
Allee	Dillingham	Hansbrough	Perkins
Bacon	Dolliver	Heyburn	Stewart
Blackburn	Foraker	McComas	Warren
Burnham	Foster, La.	McCreary	Wetmore
Clay	Fulton	Martin	

NAYS—22.

Ankeny	Dryden	Knox	Pettus
Bard	Gallinger	Latimer	Platt, Conn.
Bate	Gamble	Lodge	Proctor
Cullom	Hopkins	McCumber	Tillman
Daniel	Kean	Mallory	
Dietrich	Kittredge	Nelson	

NOT VOTING—45.

Aldrich	Clark, Wyo.	Hawley	Platt, N. Y.
Allison	Cockrell	Kearns	Quarles
Bailey	Crane	Long	Scott
Ball	Culberson	McEnery	Simmons
Berry	Dick	McLaurin	Smoot
Beveridge	Dubois	Millard	Spooner
Burrows	Elkins	Mitchell	Stone
Burton	Fairbanks	Money	Taliaferro
Carmack	Foster, Wash.	Newlands	Teller
Clapp	Frye	Overman	
Clarke, Ark.	Gibson	Patterson	
Clark, Mont.	Hale	Penrose	

The PRESIDING OFFICER. The vote develops the fact that there is not a quorum voting.

Mr. GALLINGER and Mr. PLATT of Connecticut. Let the roll be called.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll; and the following Senators responded to their names:

Alger	Daniel	Gorman	Millard
Allee	Depew	Heyburn	Morgan
Allison	Dick	Hopkins	Nelson
Ankeny	Dietrich	Kean	Perkins
Bacon	Dillingham	Kittredge	Pettus
Bard	Dolliver	Knox	Platt, Conn.
Bate	Dryden	Latimer	Proctor
Blackburn	Elkins	Lodge	Stewart
Burnham	Foraker	McComas	Tillman
Clapp	Foster, La.	McCreary	Warren
Clark, Wyo.	Fulton	McCumber	Wetmore
Clay	Gallinger	Mallory	
Cullom	Gamble	Martin	

The PRESIDING OFFICER. Fifty Senators have answered to their names. There is a quorum present. The question recurs upon the passage of the bill, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I will transfer my pair with the Senator from North Carolina [Mr. SIMMONS] to the senior Senator from Connecticut [Mr. HAWLEY], and vote. I vote "yea."

Mr. CLARK of Wyoming (when his name was called). I am paired with the junior Senator from Missouri [Mr. STONE], but as he is not present I withhold my vote. If he were present, I should vote "yea."

Mr. DEPEW (when his name was called). I transfer my pair with the Senator from Louisiana [Mr. MCENERY] to my colleague [Mr. PLATT of New York], and vote "yea."

Mr. GAMBLE (when his name was called). I have a general pair with the junior Senator from Nevada [Mr. NEWLANDS], but I transfer that pair to the senior Senator from Rhode Island [Mr. ALDRICH], and vote. I vote "nay."

Mr. McLAURIN (when his name was called). I have a general pair with the senior Senator from Washington [Mr. FOSTER]. I therefore withhold my vote.

Mr. MILLARD (when his name was called). I am paired with the Senator from Arkansas [Mr. CLARKE], and therefore withhold my vote.

Mr. MALLORY (when Mr. TALIAFERRO's name was called). I again announce the unavoidable absence of my colleague [Mr. TALIAFERRO], who is paired with the junior Senator from West Virginia [Mr. SCOTT].

The roll call was concluded.

Mr. CLARK of Wyoming. I desire to transfer my pair with the Senator from Missouri [Mr. STONE] to the Senator from Delaware [Mr. BALL], and vote. I vote "yea."

The result was announced—yeas 25, nays 23, as follows:

YEAS—25.

Alger	Depew	Gorman	Perkins
Allee	Dick	Hansbrough	Stewart
Bacon	Dillingham	Heyburn	Warren
Blackburn	Elkins	McComas	Wetmore
Burnham	Foraker	McCreary	
Clapp	Foster, La.	Martin	
Clark, Wyo.	Fulton	Morgan	

NAYS—23.

Allison	Dietrich	Kittredge	Nelson
Ankeny	Dryden	Knox	Pettus
Bard	Gallinger	Latimer	Platt, Conn.
Bate	Gamble	Lodge	Proctor
Cullom	Hopkins	McCumber	Tillman
Daniel	Kean	Mallory	

NOT VOTING—42.

Aldrich	Cockrell	Kearns	Platt, N. Y.
Bailey	Crane	Long	Quarles
Ball	Culberson	McEnery	Scott
Berry	Dolliver	McLaurin	Simmons
Beveridge	Dubois	Millard	Smoot
Burrows	Fairbanks	Mitchell	Spooner
Burton	Foster, Wash.	Money	Stone
Carmack	Frye	Newlands	Taliaferro
Clark, Mont.	Gibson	Overman	Teller
Clarke, Ark.	Hale	Patterson	
Clay	Hawley	Penrose	

So the bill was passed.

The Committee on Claims reported an amendment to the second clause of the preamble, in the eighth line, by striking out the date "1891" and inserting "1894."

Mr. GALLINGER. I move to strike out the preamble as a whole. It ought not to be in the bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Hampshire, striking out the entire preamble.

The amendment was agreed to.

The PRESIDING OFFICER. The bill stands passed without the preamble.

EXECUTIVE SESSION.

Mr. DOLLIVER. Mr. President, I understand the Senate have agreed to consider the Pension Calendar after 4 o'clock. Owing to the pressure of very important nominations, which ought to be immediately considered, I move that the Senate proceed to the consideration of executive business.

Mr. McCUMBER. I wish the Senator would announce how long the executive session will probably continue.

Mr. DOLLIVER. I should say not more than four or five minutes.

Mr. McCUMBER. With that understanding, I have no objection to the Senator's motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa [Mr. DOLLIVER] that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened.

STATEHOOD BILL.

Mr. NELSON. I do not know that I am certain about it, and so I beg leave to inquire of the Chair whether the so-called "statehood bill" was laid aside for the entire day, until tomorrow?

The PRESIDING OFFICER. That was the understanding of the Chair, no objection being made at the time.

Mr. NELSON. It goes over as the unfinished business until tomorrow at 2 o'clock?

The PRESIDING OFFICER. It goes over as the unfinished business, and will come up tomorrow at 2 o'clock.

Mr. NELSON. As the unfinished business?

The PRESIDING OFFICER. As the unfinished business.

ELIZABETH WYNNE.

The PRESIDING OFFICER. The special order of the Senate now is the consideration of unobjected pension bills, and the first case will be stated.

The bill (H. R. 4112) granting an increase of pension to Elizabeth Wynne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Wynne, widow of William B. Wynne, late surgeon Fourteenth Regiment Pennsylvania Volunteer Cavalry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHIA C. HILLEARY.

The bill (H. R. 2353) granting an increase of pension to Sophia C. Hilleary was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sophia C. Hilleary, widow of Henry C. Hilleary, late of Company C, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and to pay her a pension of \$12 a month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. CARBERRY.

The bill (H. R. 14150) granting an increase of pension to John J. Carberry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Carberry, late captain Company I, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. DICKEY.

The bill (H. R. 12058) granting an increase of pension to John W. Dickey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Dickey, late of Company D, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. WEAVER.

The bill (H. R. 9771) granting an increase of pension to Mary E. Weaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Weaver, widow of John F. Weaver, late of Company E, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL KURTZ.

The bill (H. R. 10686) granting an increase of pension to Michael Kurtz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Kurtz, late of Company D, Eighth Regiment Maryland Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. BARRON.

The bill (H. R. 7367) granting an increase of pension to John M. Barron was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Barron, late third assistant engineer, with relative rank of midshipman, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYRUS E. SALADA.

The bill (H. R. 3359) granting an increase of pension to Cyrus E. Salada was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cyrus E. Salada, late of Company H, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. HELT.

The bill (H. R. 5245) granting an increase of pension to William A. Helt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Helt, late of Company G, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEANIE G. LYLES.

The bill (S. 5455) granting an increase of pension to Jeanie G. Lyles was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeanie G. Lyles, dependent mother of Thomas C. Lyles, late of Company H, Fifth Regiment Maryland Volunteer Infantry, war with Spain, and De Witt C. Lyles, late first lieutenant, Twentieth Regiment United States Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES L. TOWNSEND.

The bill (H. R. 13501) granting an increase of pension to James L. Townsend was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James L. Townsend, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK W. TAPPEMEYER.

The bill (H. R. 3712) granting a pension to Frederick W. Tappmeyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick W. Tappmeyer, late of Company E, Thirty-fourth Regiment Enrolled Missouri Militia, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER P. MITCHELL.

The bill (H. R. 12052) granting a pension to Walter P. Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Walter P. Mitchell, late of Captain Thatcher's independent company, Pettis County Missouri Home Guards, and to pay him a pension of \$12 per month.

The bill was reported to the Senate, without amendment, ordered to a third reading, read the third time, and passed.

EDWARD C. JONES.

The bill (H. R. 11984) granting an increase of pension to Edward C. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward C. Jones, late acting second assistant engineer, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH H. SHAY.

The bill (H. R. 10969) granting an increase of pension to Joseph H. Shay was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph H. Shay, late of Company E, First Regiment Colorado Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP H. STRUNK.

The bill (H. R. 7241) granting an increase of pension to Philip H. Strunk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip H. Strunk, late of Company K, Sixteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WYMAN J. CROW.

The bill (H. R. 1907) granting an increase of pension to Wyman J. Crow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wyman J. Crow, late of Company H, First Regiment California Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD L. RUSSELL.

The bill (H. R. 15744) granting an increase of pension to Edward L. Russell was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Edward L. Russell, late of Company F, Fourth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. WATTS.

The bill (H. R. 14951) granting an increase of pension to Benjamin F. Watts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Watts, late of Company K, Seventieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGNES B. HESLER.

The bill (H. R. 11402) granting an increase of pension to Agnes B. Hesler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Agnes B. Hesler, widow of Frederick Alexander Hesler, late surgeon, United States Navy, and to pay her a pension of \$35 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of said Frederick Alexander Hesler until she reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT LIGGATT.

The bill (H. R. 6543) granting an increase of pension to Robert Liggatt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Liggatt, late of Company C, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED CHILL.

The bill (H. R. 12397) granting an increase of pension to Alfred Chill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred Chill, late of Company I, Seventh Regiment Kansas Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIJAH ROBERTS.

The bill (H. R. 4211) granting an increase of pension to Elijah Roberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elijah Roberts, late of Company H, Fifth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. M'KENNEY.

The bill (H. R. 5089) granting an increase of pension to Charles W. McKenney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. McKenney, late of Company H, Twenty-seventh Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SHANLEY.

The bill (H. R. 5692) granting an increase of pension to John Shanley was considered as in the Committee of the Whole. It proposes to place on the pension roll the name of John Shanley, late of Company I, Thirty-ninth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA C. OWEN.

The bill (H. R. 15269) granting a pension to Anna C. Owen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna C. Owen, widow of Alfred D. Owen, late lieutenant-colonel Eightieth Regiment Indiana Volunteer Infantry, and to pay her a pension of \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EVELYN M. DUNN.

The bill (H. R. 14576) granting an increase of pension to Evelyn M. Dunn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Evelyn M. Dunn, widow of William D. Dunn, late assistant surgeon, Twenty-first Regiment Indiana Volunteer Infantry, and to pay her a pension of \$25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSHUA PARSONS.

The bill (H. R. 6948) granting an increase of pension to Joshua Parsons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua Parsons, late of Company D, Eighty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE DELAND.

The bill (H. R. 808) granting an increase of pension to George Deland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Deland, late of Company I, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER MORRISON.

The bill (H. R. 11451) granting an increase of pension to Alexander Morrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Morrison, late of Company A, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DESIRE LEGLISE.

The bill (H. R. 15743) granting an increase of pension to Desire Leglise was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Desire Leglise, late of Company G, Eighteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. JOHNSON.

The bill (H. R. 8166) granting an increase of pension to Martha A. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha A. Johnson, widow of William A. Johnson, late captain Company M, Fifteenth Regiment Kansas Volunteer Cavalry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOLA QUALLS.

The bill (H. R. 10945) granting a pension to Lola Qualls was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lola Qualls, helpless and dependent daughter of James M. Qualls, late of Company I, First Regiment Illinois Volunteer Cavalry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MERRITT MEAD.

The bill (H. R. 9115) granting an increase of pension to Merritt Mead was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Merritt Mead, late of Company K, One hundred and thirty-fifth Regiment, and Company D, One hundred and ninety-eighth Regiment, Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. STANFIELD.

The bill (H. R. 11148) granting an increase of pension to George W. Stanfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Stanfield, late of Company H, One hundred and twentieth Regiment Indiana Volunteer Infantry, and to pay

him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS E. RICE.

The bill (H. R. 6961) granting an increase of pension to Thomas E. Rice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas E. Rice, late of Company B, Fifty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'GREGOR.

The bill (H. R. 10554) granting an increase of pension to John McGregor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John McGregor, late of Company D, Nineteenth Regiment, and Company I, Twentieth Regiment, Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. COURTNEY.

The bill (H. R. 6640) granting an increase of pension to John A. Courtney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Courtney, late first lieutenant Company F, Sixty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. SMITH.

The bill (H. R. 4728) granting an increase of pension to William Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Smith, late of Company E, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HIRAM BAIRD.

The bill (H. R. 5436) granting a pension to Hiram Baird was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram Baird, late of Company B, First Regiment East Tennessee National Guards Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESTON D. ROADY.

The bill (H. R. 5461) granting an increase of pension to Preston D. Roady was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Preston D. Roady, late of Company G, Eighth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. KITTS.

The bill (H. R. 12576) granting an increase of pension to William M. Kitts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William M. Kitts, late of Company G, Second Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARISSA E. M'CORMICK.

The bill (H. R. 11235) granting a pension to Clarissa E. McCormick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clarissa E. McCormick, widow of John C. R. McCormick, late second lieu-

tenant Company C, Eightieth Regiment United States Colored Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES GRAVES.

The bill (H. R. 12577) granting an increase of pension to James Graves was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Graves, late of Company F, Third Regiment Tennessee Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS O. MARSHALL.

The bill (H. R. 1099) granting an increase of pension to Lewis O. Marshall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis O. Marshall, late captain Company D, Thirtieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY JEFFERS.

The bill (H. R. 4655) granting an increase of pension to Henry Jeffers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Jeffers, late of Company M, Fourth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES GINNANE.

The bill (H. R. 14184) granting an increase of pension to James Ginnane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Ginnane, late of Company E, Eleventh Regiment Illinois Volunteer Infantry, and Company F, Fourteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$14 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD M. RHOADES.

The bill (H. R. 6506) granting an increase of pension to Edward M. Rhoades was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward M. Rhoades, late of the U. S. S. *Cyane*, *Saranac*, and *Savannah*, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS H. HAINES.

The bill (H. R. 15688) granting an increase of pension to Augustus H. Haines was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus H. Haines, late of Company K, Eighth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN M. RAYMOND.

The bill (H. R. 6129) granting an increase of pension to Edwin M. Raymond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin M. Raymond, late of Company I, Forty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN CUMMINGS.

The bill (H. R. 2558) granting an increase of pension to John Cummings was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Cummings, late of Company B, Fifty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. M'CLURG.

The bill (H. R. 11661) granting an increase of pension to William H. McClurg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of

William H. McClurg, late of Company G, Ninety-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD H. STILLWELL.

The bill (H. R. 5037) granting an increase of pension to Richard H. Stillwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard H. Stillwell, late of Battery E, Second Regiment United States Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY L. KYLER.

The bill (H. R. 11788) granting an increase of pension to Henry L. Kyler, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry L. Kyler, late of Company A, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILSON H. DAVIS.

The bill (H. R. 4948) granting a pension to Wilson H. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilson H. Davis, late of Company F, Second Regiment Ohio Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL H. HUNT.

The bill (H. R. 2151) granting an increase of pension to Samuel H. Hunt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel H. Hunt, late colonel One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC W. SHERMAN.

The bill (H. R. 9798) granting an increase of pension to Isaac W. Sherman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac W. Sherman, late of Company E, One hundred and third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SCHEALL.

The bill (H. R. 14601) granting an increase of pension to William Scheall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Scheall, late of Company C, Thirteenth Regiment New York Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES DONNELLY.

The bill (H. R. 12859) granting an increase of pension to James Donnelly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Donnelly, late of Company A, Seventy-third Regiment Ohio Volunteer Infantry, and Company D, Ninth Regiment Veteran Reserve Corps, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. HAYWARD.

The bill (H. R. 15404) granting an increase of pension to John A. Hayward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Hayward, late of Company B, Twenty-first Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL HYATT.

The bill (S. 4392) granting an increase of pension to Samuel Hyatt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Battalion," to strike out the name "Seymour" and insert "Seymour's;" and in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Hyatt, late of Company A, Seymour's Battalion Georgia Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELLIE B. NEWTON.

The bill (S. 4660) granting an increase of pension to Nellie B. Newton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie B. Newton, widow of John Newton, late captain, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of said John Newton until she reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LORENZO STREETER.

The bill (H. R. 10272) granting an increase of pension to Lorenzo Streeter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo Streeter, late of Company H, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. THAYER.

The bill (H. R. 14855) granting an increase of pension to Henry C. Thayer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Thayer, late of Company D, First Regiment Massachusetts Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. REYNOLDS.

The bill (H. R. 15144) granting an increase of pension to William J. Reynolds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Reynolds, late captain Company H, Fourth Regiment, and Company B, Seventh Regiment, Rhode Island Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. DORSEY.

The bill (H. R. 912) granting an increase of pension to John F. Dorsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John F. Dorsey, late of Company I, Third Regiment Massachusetts Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL CAYES.

The bill (H. R. 6832) granting an increase of pension to Nathaniel Cayes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel Cayes, late of Company C, Twelfth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. YOUNG.

The bill (H. R. 15785) granting an increase of pension to Charles E. Young was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Charles E. Young, late of First Independent Battery New Hampshire Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORIN PLAISTED.

The bill (H. R. 3287) granting an increase of pension to Orin Plaisted was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orin Plaisted, late of Second Battery, First Regiment Maine Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC HANSON.

The bill (H. R. 15680) granting an increase of pension to Isaac Hanson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Hanson, late of Company I, Sixtieth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA L. CURKENDALL.

The bill (H. R. 15071) granting an increase of pension to Matilda L. Curkendall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matilda L. Curkendall, widow of George Curkendall, late first lieutenant Company D, Third Regiment Iowa Volunteer Cavalry, and lieutenant-colonel One hundred and thirty-eighth Regiment United States Colored Volunteer Infantry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCINDA M. REEVES.

The bill (H. R. 15779) granting an increase of pension to Lucinda M. Reeves was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucinda M. Reeves, widow of Edward Reeves, late of Company D, First Regiment Massachusetts Volunteer Heavy Artillery, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY SUPPES.

The bill (H. R. 15791) granting a pension to Mary Suppes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Suppes, widow of George Suppes, late of Company D, Second Regiment District of Columbia Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LORENZO D. JAMESON.

The bill (H. R. 6857) granting an increase of pension to Lorenzo D. Jameson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo D. Jameson, late of Company H, First Regiment Arkansas Volunteer Cavalry, and first lieutenant Company K, First Regiment Arkansas Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REUBEN ALLRED.

The bill (S. 4897) granting an increase of pension to Reuben Allred was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben Allred, late of Company A, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES D. BEASLEY.

The bill (S. 4121) granting an increase of pension to James D. Beasley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Beasley, late of Company G, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FLORA B. BONHAM.

The bill (S. 5568) granting an increase of pension to Flora B. Bonham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Regiment," to insert "and Company A, Fiftieth Regiment," and in line 9, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Flora B. Bonham, widow of Walter J. Bonham, late of Company G, Ninety-ninth Regiment, and Company A, Fiftieth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. HALL.

The bill (S. 5939) granting an increase of pension to George W. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Hall, late first lieutenant Company D, Twelfth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY C. BUCK.

The bill (S. 5868) granting an increase of pension to Mary C. Buck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary C. Buck, widow of William H. H. Buck, late of Company G, First Regiment Vermont Volunteer Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OWEN A. WILLEY.

The bill (S. 5938) granting an increase of pension to Owen A. Willey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Owen A. Willey, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JASON R. C. HOYT.

The bill (S. 5940) granting an increase of pension to Jason R. C. Hoyt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jason R. C. Hoyt, late of Company E, Third Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. LUTHER.

The bill (S. 5757) granting an increase of pension to William A. Luther was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Luther, late of Company G, Second Regiment Rhode Island Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

SALLY DICKINSON.

The bill (S. 5712) granting an increase of pension to Sally Dickinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sally Dickinson, widow of Joseph Dickinson, late lieutenant-colonel and assistant adjutant-general and brevet brigadier-general, United States Volunteers, and to pay her a pension of \$50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HATTIE F. DAVIS.

The bill (S. 6321) granting a pension to Hattie F. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hattie F. Davis, widow of George E. Davis, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIJAH W. GORDON.

The bill (S. 6092) granting an increase of pension to Elijah W. Gordon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elijah W. Gordon, late of Company M, Second Regiment California Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM WELCH.

The bill (S. 6091) granting an increase of pension to William Welch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Welch, late of Company I, Fourteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN BARTLETT.

The bill (S. 184) granting an increase of pension to John Bartlett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Bartlett, late of Company K, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH JANE SIMONDS.

The bill (S. 355) granting a pension to Sarah Jane Simonds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Jane Simonds, widow of William E. Simonds, late second lieutenant Company I, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. McCANN.

The bill (S. 4239) granting an increase of pension to William H. McCann was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. McCann, late of Company H, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES L. HARMON.

The bill (S. 6130) granting an increase of pension to Charles L. Harmon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles L. Harmon, late of Company C, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY O. KENT.

The bill (S. 5426) granting a pension to Henry O. Kent was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry O. Kent, late colonel Seventeenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WARREN P. TENNEY.

The bill (S. 5961) granting an increase of pension to Warren P. Tenney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and Company D, Twenty-fourth Regiment Veteran Reserve Corps;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren P. Tenney, late of Company H, Tenth Regiment Vermont Volunteer Infantry, and Company D, Twenty-fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. BARTLETT.

The bill (S. 5958) granting an increase of pension to Mary J. Bartlett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-five" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Bartlett, widow of Charles E. Bartlett, late first lieutenant Company A, Eleventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS G. PARISH.

The bill (S. 5842) granting an increase of pension to Thomas G. Parish was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas G. Parish, late of Company E, Twelfth Battalion Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES HULME.

The bill (S. 6004) granting an increase of pension to James Hulme was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Hulme, late of Company D, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELSON P. SMITH.

The bill (S. 5841) granting an increase of pension to Nelson P. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson P. Smith, late of Company E, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EPHRAIM W. HARRINGTON.

The bill (S. 6094) granting an increase of pension to Ephraim W. Harrington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to strike out "Companies B and" and insert "Company;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ephraim W. Harrington, late of Company G, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUCY LYTTON.

The bill (S. 5975) granting an increase of pension to Lucy Lytton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy Lytton, widow of John N. Lytton, late of Company A, Fifty-third Regiment Ohio Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLORENCE O. WHITMAN.

The bill (S. 5947) granting an increase of pension to Florence O. Whitman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence O. Whitman, widow of Frank H. Whitman, late captain, Second Regiment United States Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GUSTAVUS S. YOUNG.

The bill (S. 1420) granting an increase of pension to Gustavus S. Young was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gustavus S. Young, late of Company E, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PIERPONT H. B. MOULTON.

The bill (S. 4888) granting an increase of pension to Pierpont H. B. Moulton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Pierpont H. B. Moulton, late of Company H, First Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. CLEMENS.

The bill (S. 2707) granting an increase of pension to James M. Clemens was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Clemens, late of Company E, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES M. SHEPHERD.

The bill (S. 4075) granting an increase of pension to Charles M. Shepherd was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Shepherd, late midshipman, United States Navy, and second lieutenant, Third Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET M'KEE PENTLAND.

The bill (S. 5678) granting a pension to Margaret McKee Pentland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret McKee Pentland, formerly Margaret McKee, late nurse, medical department United States Volunteers, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Margaret McKee Pentland, formerly Margaret McKee."

FRANCIS M. SAMS.

The bill (S. 6116) granting an increase of pension to Francis M. Sams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "first lieutenant and," and in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Sams, late first lieutenant and adjutant, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUSIE C. G. SEABURY.

The bill (S. 5509) granting an increase of pension to Susie G. Seabury was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Susie," to insert the letter "C.," and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susie C. G. Seabury, widow of Samuel Seabury, late lieutenant, United States Navy, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Susie C. G. Seabury."

EZEKIEL RIGGS.

A bill (S. 4760) granting an increase of pension to Ezekiel Riggs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Delaware," to strike out "Volunteers" and insert "Volunteer Infantry, and Company C, Ninth Regiment Veteran Reserve Corps," and in line 9, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezekiel Riggs, late of Company I, First Regiment Delaware Volunteer Infantry, and Company C, Ninth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN A. KINGMAN.

The bill (S. 5527) granting an increase of pension to John A. Kingman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Kingman, late of Company H, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JESSE WOODRUFF.

The bill (S. 5727) granting an increase of pension to Jesse Woodruff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enactment clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Woodruff, late first lieutenant Captain C. M. Clay's company, First Regiment Kentucky Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM S. MOORHOUSE.

The bill (S. 6194) granting an increase of pension to William S. Moorhouse was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Moorhouse, late captain Company B, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM V. MORRISON.

The bill (S. 5856) granting an increase of pension to William V. Morrison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 6, after the word "late," to strike out "a landsman in the" and insert "of the U. S. S. Potomac;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William V. Morrison, late of U. S. S. Potomac, United States Navy, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. LUCAS.

The bill (S. 2572) granting an increase of pension to Thomas J. Lucas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Lucas, late colonel Sixteenth Regiment Indiana Volunteer Infantry, and brigadier-general and brevet major-general, United States Volunteers, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JEROME BRADLEY.

The bill (S. 5540) granting an increase of pension to Jerome Bradley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerome Bradley, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. KINKEAD.

The bill (S. 141) granting an increase of pension to James W. Kinkead was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Kinkead, late of Company H, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JARED PRINDLE.

The bill (S. 5943) granting an increase of pension to Jared Prindle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Heavy," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jared Prindle, late of Company H, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES A. HARPER.

The bill (S. 2074) granting an increase of pension to James A. Harper was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Harper, late of Company C, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN SCHUBERT.

The bill (S. 5698) granting an increase of pension to Martin Schubert was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Schubert, late of Company E, Twenty-sixth Regiment New York Volunteer Infantry, and Company C, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH C. WALKINSHAW.

The bill (S. 1794) granting an increase of pension to Joseph C. Walkinshaw was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph C. Walkinshaw, late of Company I, Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB O. WHITE.

The bill (S. 6193) granting an increase of pension to Jacob O. White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to strike out "in lieu of that he is now receiving;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob O. White, late of Company K, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Jacob O. White."

JAMES W. STICKLEY.

The bill (S. 5670) granting an increase of pension to James William Stickley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Stickley," to strike out "William" and insert the letter "W.;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Stickley, late of Company K, Fourth Regiment West Virginia Volunteers Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James W. Stickley."

CHARLES P. THURSTON.

The bill (S. 5953) granting an increase of pension to Charles P. Thurston was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "private;" and in line 8, before the word "dollars," to insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles P. Thurston, late of Company G, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. BENEDICT.

The bill (S. 5451) granting an increase of pension to George W. Benedict was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "Sixth," to strike out "Regiment" and insert "Independent Battery;" and in line 7, after the word "Wisconsin," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Benedict, late of Sixth Independent Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALMA YOHUM.

The bill (S. 5941) granting an increase of pension to Alma Yohum was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "widow of," to strike out the name "Phillip" and insert "Philipp;" in line 10, after the word "said," to strike out the name "Phillip" and insert "Philipp;" and in line 12, after the word "years," to insert the following proviso:

Provided, That in the event of the death of Mary Anna Yohum, blind and dependent child of said Philipp Yohum, the additional pension herein granted shall cease and determine.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alma Yohum, widow of Philipp Yohum, late of Company H, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children of said Philipp Yohum until they reach the age of 16 years: *Provided,* That in the event of the death of Mary Anna Yohum, blind and dependent child of said Philipp Yohum, the additional pension herein granted shall cease and determine.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. GODOWN.

The bill (S. 3635) granting a pension to John M. Godown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "lieutenant," to strike

out "of;" in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" and in the same line after the word "month" to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Godown, late first lieutenant Company K, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John M. Godown."

JANE FRANCIS.

The bill (S. 4135) granting an increase of pension to Jane Francis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "captain," to strike out "of;" and in line 9, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Francis, widow of Henry Francis, late captain Company F, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JANE M. BLACK.

The bill (S. 2419) granting an increase of pension to Jane M. Black was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "captain," to strike out "of;" and in line 7, after the word "Minnesota," to strike out "Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane M. Black, widow of Mahlon Black, late captain Second Company Minnesota Volunteer Sharpshooters, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M'GINNIS.

The bill (S. 6192) granting an increase of pension to James McGinnis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James McGinnis, late of Company G, Fifty-first Regiment New York Volunteer Infantry, and Company I, Fifteenth Regiment Veteran Reserve Corps, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK FEIGLEY.

The bill (S. 6195) granting an increase of pension to Frederick Feigley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Feigley, late of Company E, Twelfth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEONARD DELAMATER.

The bill (S. 6085) granting an increase of pension to Leonard Delamater was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leonard Delamater, late of Company F, Eighty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES R. VAN NORMAN.

The bill (S. 6191) granting an increase of pension to Charles R. Van Norman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles R. Van Norman, late of Company F, Fourth Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. DICKINSON.

The bill (S. 6196) granting an increase of pension to William C. Dickinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Dickinson, late of Company C, Hatch's battalion, Minnesota Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. GRAY.

The bill (S. 4159) granting an increase of pension to George W. Gray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Gray, late of Sixth Battery, Wisconsin Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES MILLER.

The bill (S. 3939) granting an increase of pension to James Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Miller, late of Company H, Fourth Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEONARD L. LANCASTER.

The bill (S. 4691) granting an increase of pension to Leonard L. Lancaster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leonard L. Lancaster, late of Company L, Second Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN MACK.

The bill (S. 5550) granting an increase of pension to Martin Mack was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Mack, late of Company C, Fourth Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JESSE COLLINS.

The bill (S. 825) granting an increase of pension to Jesse Collins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse Collins, late of Company K, One hundred and third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS H. MUCHMORE.

The bill (S. 830) granting an increase of pension to Thomas H. Muchmore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Muchmore, late of Company K, First Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES C. BROWN.

The bill (S. 69) granting an increase of pension to Frances C. Brown was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Frances C. Brown, widow of Peter L. Brown, late of Company E, Third Regiment, and Company M, Sixth Regiment, Missouri State Militia Volunteer Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABNER TAYLOR.

The bill (S. 104) granting an increase of pension to Abner Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Regiment," to insert "and Company A, Eleventh Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abner Taylor, late of Company E, Third Regiment, and Company A, Eleventh Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIAS STILLWELL.

The bill (S. 5432) granting an increase of pension to Elias Stillwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Stillwell, late of Company A, Pettis County Missouri Home Guards, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC DAVISSON.

The bill (S. 3074) granting an increase of pension to Isaac Davison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Davison, late of Company I, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN C. BERTOLETTE.

The bill (S. 826) granting an increase of pension to John C. Bertolette was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Bertolette, late of Companies H and F, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUTHER M. BARTLOW.

The bill (S. 5802) granting an increase of pension to Luther M. Bartlow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Luther M. Bartlow, late of Company B, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM T. GRAHAM.

The bill (S. 5812) granting an increase of pension to William T. Graham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Graham, late of Company C, Fiftieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM STEELE.

The bill (S. 5808) granting an increase of pension to William Steele was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Steele, late of Company L, Second Regiment Minnesota Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT OF ISTHMIAN CANAL COMMISSION.

The PRESIDING OFFICER (Mr. KEAN in the chair) laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Inter-oceanic Canals, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the report of the Isthmian Canal Commission, accompanied by a letter of the Secretary of War, under whose supervision I have, by Executive order, placed the work of the Commission. I concur with the Secretary of War in the view that the present provision of law, by which the work of building the canal has to be done only through a body of seven members, is inelastic and clumsy, and I earnestly recommend a change so that the President, who is charged with the responsibility of building the canal, may exercise greater discretion in the organization of the personnel through whom he is to discharge this duty. Actual experience has convinced me that it will be impossible to obtain the best and most effective service under the limitations prescribed by law. The general plans for the work must be agreed upon with the aid of the best engineers of the country, who should act as an advisory or consulting body. The consulting engineers should not be put on the Commission, which should be used only as an executive instrument for the executive and administrative work. The actual work of executing the general plans agreed upon by the Commission, after receiving the conclusions of the advising engineers, must be done by an engineer in charge, and we now have an excellent engineer. It is, in my judgment, inadvisable, therefore, to restrict the Executive's choice of commissioners to representatives of the Engineer Corps of the Army or the Navy. The Commission should consist of five, or preferably of three, members, whose respective duties, powers, and salaries should be assigned to them by the President, and who should be placed under the member of the Cabinet whom the President desires. Of these men the one appointed as administrator of the Canal Strip should also serve as minister to Panama.

THEODORE ROOSEVELT.

The WHITE HOUSE, January 13, 1905.

NOTE.—Report accompanied similar message to House of Representatives.

JUDICIAL SYSTEM IN CHINA AND KOREA.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a report by the Secretary of State concerning the importance of reform in our extraterritorial judicial system in China and Korea, with accompanying papers, including a draft of an act providing for the establishment of a district court of the United States for China and Korea.

THEODORE ROOSEVELT.

The WHITE HOUSE,
Washington, January 13, 1905.

ADRIA M. S. MOALE.

The bill (S. 6268) granting an increase of pension to Adria M. S. Moale was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adria M. S. Moale, widow of Edward Moale, jr., late lieutenant, United States Navy, and to pay her a pension of \$35 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of said Edward Moale, jr., until he reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M'AULIFF.

The bill (S. 5892) granting an increase of pension to James McAuliff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McAuliff, late of Company D, Second Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CYRUS WETHERELL.

The bill (S. 5809) granting an increase of pension to Cyrus Wetherell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrus Wetherell, late of Company C, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M'KIM.

The bill (S. 5815) granting an increase of pension to James McKim was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "of," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McKim, late second and first Lieutenant, Sixth Regiment, and captain, Thirty-ninth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM SMITH.

The bill (S. 6074) granting an increase of pension to William Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "State," to insert "Militia;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Smith, late of Company C, First Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNE E. WILSON.

The bill (S. 6152) granting an increase of pension to Annie E. Wilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," to strike out "Annie" and insert "Anne;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anne E. Wilson, widow of David Wilson, late of Captain Dull's company, Ohio Militia, war of 1812, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Anne E. Wilson."

ANDREW S. GRAHAM.

The bill (S. 5766) granting an increase of pension to Andrew S. Graham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew S. Graham, late captain Company A, Ninth Regiment New York Volunteer Infantry, and first Lieutenant Company E, Fourteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY MARTIN.

The bill (S. 4823) granting an increase of pension to Mary Martin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "William," to strike out "the late;" and in the same line, after the name "Martin," to insert "late;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Martin, widow of William Martin, late of Captain J. H. Winbush's company, Virginia Militia, war of 1812, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JENNIE PETTEYS.

The bill (H. R. 5341) granting a pension to Jennie Petteys was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie Petteys, widow of William F. Petteys, late unassigned, Fifth Regiment New York Volunteer Engineers, and to pay her a pension at the rate of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT S. GRAHAM.

The bill (H. R. 14774) granting an increase of pension to Albert S. Graham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert S. Graham, late of Company F, One hundred and twentieth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN DILLINGHAM.

The bill (H. R. 14879) granting an increase of pension to Benjamin Dillingham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Dillingham, late of Company F, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEELEY EARNEST.

The bill (H. R. 14875) granting an increase of pension to Seeley Earnest was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Seeley Earnest, late of Company F, Twenty-fifth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMOS JONES.

The bill (H. R. 15207) granting an increase of pension to Amos Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amos Jones, late of Company G, Eighty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET A. ORR.

The bill (H. R. 15634) granting a pension to Harriet A. Orr was considered as in Committee of the Whole. It proposes to

place on the pension roll the name of Harriet A. Orr, dependent mother of Daniel B. St. John Orr, late of Company K, Fifty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. CAPRON.

The bill (H. R. 15473) granting an increase of pension to James W. Capron was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Capron, late of Company K, Twenty-first Regiment New York Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAH LOVEJOY.

The bill (H. R. 8996) granting an increase of pension to Diah Lovejoy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Diah Lovejoy, late of Company A, Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HALL.

The bill (H. R. 15387) granting an increase of pension to William Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Hall, late of Company I, One hundred and fiftieth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN K. TYLER.

The bill (H. R. 13064) granting an increase of pension to John K. Tyler was considered as in Committee of the Whole. It proposes to place on the pension roll, the name of John K. Tyler, late of Companies G and C, One hundred and twenty-first Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY L. FAUNT LE ROY.

The bill (S. 5705) granting a pension to Mary L. Faunt Le Roy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Faunt Le Roy, widow of Robert P. Faunt Le Roy, late captain, United States Marine Corps, and pay her a pension at the rate of \$20 per month, and \$2 per month additional on account of the minor child of said Robert P. Faunt Le Roy until he reaches the age of sixteen years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORDELIA BIRD.

The bill (S. 5971) granting a pension to Cordelia Bird was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cordelia Bird, widow of Ziba Bird, late of Company A, Eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAZILLA LESTER.

The bill (S. 3435) granting a pension to Mazilla Lester was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mazilla Lester, widow of James Lester, late of Company B, Ninth Regiment West Virginia Volunteer Infantry, and Company I, First Regiment West Virginia Veteran Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN V. TROUGH.

The bill (S. 4722) granting a pension to M. V. Trough was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin V. Trough, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Martin V. Trough."

PHOEBE E. LYDA.

The bill (S. 2828) granting a pension to Phoebe E. Lyda was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phoebe E. Lyda, widow of Andrew J. Lyda, late chaplain Third Regiment West Virginia Volunteer Infantry, subsequently Sixth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Phoebe E. Lyda."

ELIZABETH F. GIVIN.

The bill (S. 2913) granting an increase of pension to Elizabeth F. Givin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth F. Givin, widow of William F. Givin, late of the United States Marine Corps, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elizabeth F. Givin."

JOHN B. HAMMER.

The bill (S. 3517) granting an increase of pension to John B. Hammers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Hammers" and insert "Hammer;" in line 8, before the word "and," to strike out "Volunteers" and insert "Volunteer Infantry;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Hammer, late of Company D, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John B. Hammer."

JOSEPH K. ARMSTRONG.

The bill (S. 2189) granting an increase of pension to Joseph K. Armstrong was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Cavalry," to insert "Volunteer," and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph K. Armstrong, late of Company D, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES MINNICK.

The bill (S. 5523) granting an increase of pension to James Minnick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Minnick, late of Company A, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN T. CROSS.

The bill (S. 6351) granting an increase of pension to Martin T. Cross was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read: out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin T. Cross, late of Company A, One hundred and forty-second Regiment New York Volunteer Infantry, and Forty-ninth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. KITTREDGE. I ask that the amendment of the committee be disagreed to. The reason for this action is based upon the fact that this soldier saw more than three years of service and was wounded in the war. He is over 67 years of age and is now utterly helpless. He is unable to walk and requires the constant care and attention of another person, and he is entirely destitute.

Mr. McCUMBER. I understand also that he has had a stroke of paralysis—

Mr. KITTREDGE. Yes; just about a year ago.

Mr. McCUMBER. And that he needs continuous and constant attention. Under that statement I consent that the amendment shall be disagreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. This completes the Pension Calendar.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 14, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 13, 1905.

INTERSTATE COMMERCE COMMISSIONER.

James D. Yeomans, of Iowa, to be an Interstate Commerce Commissioner for the term of six years. This is a reappointment.

APPRAISER OF MERCHANDISE.

Miner G. Norton, of Ohio, to be appraiser of merchandise in the district of Cuyahoga, in the State of Ohio, to succeed Alexander Bruce, removed.

UNITED STATES MARSHAL.

Frank M. Chandler, of Ohio, to be United States marshal for the northern district of Ohio. A reappointment, his term having expired June 4, 1904.

POSTMASTER.

OHIO.

Charles C. Dewstoe to be postmaster at Cleveland, in the county of Cuyahoga and State of Ohio, in place of Charles C. Dewstoe. Incumbent's commission expired December 12, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 13, 1905.

INTERSTATE COMMERCE COMMISSIONER.

James D. Yeomans, of Iowa, to be an Interstate Commerce Commissioner for the term of six years.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

David E. Thompson, of Nebraska, now envoy extraordinary and minister plenipotentiary at that place to be ambassador extraordinary and plenipotentiary of the United States to Brazil.

SECRETARY OF LEGATION.

Irwin B. Laughlin, of Pennsylvania, to be second secretary of the legation of the United States to Japan.

APPOINTMENT IN THE NAVY.

John N. Jordan, a citizen of the State of Maine, to be an assistant paymaster in the Navy from the 6th day of January, 1905.

PROMOTIONS IN THE NAVY.

Naval Constructor William J. Baxter to be a naval constructor in the Navy with the rank of captain from the 21st day of May, 1904.

Naval Constructor Elliot Snow to be a naval constructor in the Navy with the rank of commander from the 21st day of May, 1904.

Lieut. (Junior Grade) Edward C. Kalbfus to be a lieutenant in the Navy from the 18th day of December, 1904.

Lieut. Philip Andrews to be a lieutenant-commander in the Navy from the 1st day of January, 1905.

First Lieut. William W. Low to be a captain in the Marine Corps from the 1st day of December, 1904.

First Lieut. Leof M. Harding to be a captain in the Marine Corps from the 9th day of December, 1904.

First Lieut. Harold C. Reisinger to be a captain in the Marine Corps from the 15th day of December, 1904.

Asst. Paymaster William C. Fite to be a passed assistant paymaster in the Navy from the 16th day of August, 1904.

To be passed assistant paymasters in the Navy with the rank of lieutenant from the 24th day of August, 1904.

John F. Hatch.

Frederick G. Pyne.

Frederick B. Colby.

Edward E. Goodhue.

William R. Bowne.

Rishworth Nicholson.

Howard H. Alkire, a citizen of Ohio, to be an assistant paymaster in the Navy from the 30th day of November, 1904, to fill a vacancy existing in that grade on that date.

RECEIVER OF PUBLIC MONEYS.

Charles J. Greene, of Louisiana, to be receiver of public moneys at Natchitoches, La.

POSTMASTERS.

GEORGIA.

William C. Cole to be postmaster at Lawrenceville, in the county of Gwinnett and State of Georgia.

Mary L. Darden to be postmaster at Hogansville, in the county of Troup and State of Georgia.

Mary P. Dixon to be postmaster at Westpoint, in the county of Troup and State of Georgia.

Andrew D. McComb to be postmaster at Buenavista, in the county of Marion and State of Georgia.

David B. Rigdon to be postmaster at Statesboro, in the county of Bulloch and State of Georgia.

Clarence W. Withoft to be postmaster at Fort Valley, in the county of Houston and State of Georgia.

IOWA.

Albert R. Kullmer to be postmaster at Dysart, in the county of Tama and State of Iowa.

NORTH DAKOTA.

Peter C. Burfening to be postmaster at Kulm, in the county of Lamoure and State of North Dakota.

SOUTH CAROLINA.

John E. McLure to be postmaster at Bishopville, in the county of Lee and State of South Carolina.

ARBITRATION TREATY WITH AUSTRIA-HUNGARY.

The injunction of secrecy was removed January 13, 1905, from an arbitration convention between the United States and Austria-Hungary, signed at Washington on January 6, 1905.

ARBITRATION-TREATY CONVENTIONS.

The injunction of secrecy was removed January 13, 1905, from arbitration conventions between the United States and Great Britain, Portugal, France, Switzerland, and Germany.

ARBITRATION TREATY FOR PECUNIARY CLAIMS.

The injunction of secrecy was removed January 13, 1905, from a treaty of arbitration for pecuniary claims, signed at the City of Mexico on January 30, 1902, by the delegates of the American republics to the Second International Conference of American States.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 13, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate announced that that body had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 92.

Resolved by the Senate (the House of Representatives concurring), That there be printed in paper covers, at the Government Printing Office, 5,500 additional copies of the annual report of the Commissioner-General of Immigration for the year ending June 30, 1904, with illustrations, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives, and the remaining 2,500 copies shall be delivered to the Bureau of Immigration for distribution.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5359) to amend an act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, approved June 3, 1896.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to Senate concurrent resolution No. 91, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLATT of New York, Mr. ELKINS, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 6057. An act making Sherwood, N. Dak., a subport of entry.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 15320. An act to amend "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," approved June 3, 1896.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1513. An act for the relief of the estate of George W. Saulpaw;

H. R. 6351. An act to pay J. B. McRae \$99 for services as hospital steward, etc.;

H. R. 15981. An act to amend an act entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi;"

H. R. 15606. An act to authorize the county of Itawamba, in the State of Mississippi, to construct a bridge across the Tombigbee River near the town of Fulton, in the said county and State; and

H. R. 15810. An act to authorize Caldwell Parish, La., to construct a bridge across the Ouachita River.

The SPEAKER announced his signature to enrolled bill and joint resolutions of the following titles:

S. 3728. An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes;

S. R. 24. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Luis Bográn H., of Honduras; and

S. R. 78. Joint resolution authorizing the Secretary of War to receive, for instruction at the Military Academy at West Point, Frutos Tomás Plaza, of Ecuador.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6270. An act directing the issue of a check in lieu of a lost check drawn in favor of W. W. Montague & Co., of San Francisco, Cal.—to the Committee on Claims.

S. 6057. An act making Sherwood, N. Dak., a subport of entry—to the Committee on Ways and Means.

S. 5798. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak.—to the Committee on Interstate and Foreign Commerce.

Senate concurrent resolution 92:

Resolved by the Senate (the House of Representatives concurring), That there be printed in paper covers, at the Government Printing Office, 5,500 additional copies of the annual report of the Commissioner-General of Immigration for the year ending June 30, 1904, with illustrations, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives, and the remaining 2,500 copies shall be delivered to the Bureau of Immigration for distribution—

to the Committee on Printing.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5359) to amend "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," approved June 3, 1896—to the Committee on the District of Columbia.

THE PHILIPPINES.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 14623, the Philippine bill, which comes back here from the Senate with amendments. The Committee on Insular Affairs have had it under consideration and report it back with instructions to me to ask for a conference on the disagreeing votes of the two Houses.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to consider a bill of which the Clerk will report the title, with a view to moving nonconcurrence in the Senate amendments and asking for a conference.

The Clerk read the title of the bill, as follows:

A bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, just a moment. I want to ask the gentleman in charge of the matter to what extent and why the metric system has been adopted for the Philippines? We have the matter now pending before the Coinage Committee, in its relation to this country, and there has been a great deal of opposition to it. Now, as we are Americanizing those islands, I should like to know why it is that either the House or the Senate has injected that system into this bill.

Mr. COOPER of Wisconsin. Mr. Speaker, that matter can not go into conference, because it has been agreed upon by the two Houses; but in reply to the question of the gentleman from Tennessee, I will say that that amendment was made upon the urgent recommendation of the Philippine Commission. The arbitrary substitution of our system of measurements over there, in a country that for three hundred years or more has been accustomed to nothing except the metric or Spanish system, would lead to endless confusion, and they wish to have the right to continue the use of what 99 per cent of the people in the islands are accustomed to, and only accustomed to. But be that as it may, the amendment has passed both Houses and is not now a proper subject of conference.

The SPEAKER. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. I move that the House non-concur in the Senate amendments, and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to; and the Speaker announced as the conferees on the part of the House, Mr. COOPER of Wisconsin, Mr. TAWNEY, Mr. CRUMPACKER, Mr. JONES of Virginia, and Mr. MADDOX.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, under the rule certain matters on the Private Calendar are in order for to-day. I ask unanimous consent that to-morrow may be substituted for to-day.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent to substitute to-morrow for to-day for consideration of bills on the Private Calendar relating to pensions. Is there objection?

There was no objection.

Mr. LITTLEFIELD rose.

The SPEAKER. The Chair will say to the gentleman from Maine that there are two or three minor matters that probably can be disposed of in five minutes, if the gentleman will yield.

Mr. LITTLEFIELD. That is entirely agreeable, Mr. Speaker, as far as I am concerned.

CLERK TO COMMITTEE ON ENROLLED BILLS.

Mr. HILDEBRANT. Mr. Speaker, I present the following privileged report on House resolution 385:

The Clerk read the resolution, as follows:

Resolved, That the chairman of the Committee on Enrolled Bills is hereby authorized to appoint two additional clerks to said committee, to be paid out of the contingent fund of the House at the rate of \$6 per day each for the remainder of the present Congress.

The question was considered, and the resolution was agreed to.

REPRINT OF H. R. 7041.

Mr. BATES. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 7041) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the reprint of House bill 7041. Is there objection? [After a pause.] The Chair hears none.

AMENDMENT TO SECTION 858 OF THE REVISED STATUTES, RELATING TO THE ADMISSIBILITY OF CERTAIN EVIDENCE.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13772) to amend section 858 of the Revised Statutes of the United States.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 858 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sec. 858. The competency of a witness to testify in any civil action, suit, or proceeding in the courts of the United States shall be determined by the laws of the State or Territory in which the court is held: *Provided, however*, That no witness shall be excluded in any action, suit, or proceeding on account of color."

The following committee amendment was read:

Strike out the following words, beginning on line 9: "*Provided, however*, That no witness shall be excluded in any action, suit, or proceeding on account of color."

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman from New York what change that amendment makes.

Mr. PERKINS. It makes no change in the law. The Committee on the Judiciary thought that the provision should be retained in the general statute, which refers to the color, and that it ought not to be put in this.

Mr. STEPHENS of Texas. I would like to have the bill read.

The SPEAKER. The bill has been read, and the Clerk will read the amendment.

The Clerk again read the amendment.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to inquire whether that is not the law at the present time?

Mr. PERKINS. It is the law at the present time, and for that reason the amendment was offered by Mr. DE ARMOND, of the Judiciary Committee. This being a general provision, it was thought not proper in a special bill to amend this one section of the statute, to add on that provision. It was thought to be unnecessary, and, because unnecessary, it was not desirable.

Mr. STEPHENS of Texas. I think it should go out, and I have no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

IMPEACHMENT OF JUDGE SWAYNE.

[Mr. LITTLEFIELD addressed the House. See Appendix.]

Mr. PALMER. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts [Mr. POWERS]. Before he begins, I would like to inquire how much time has been consumed on the other side and how much time has been consumed on this side.

The SPEAKER pro tempore. The gentleman from Maine [Mr. LITTLEFIELD] has consumed four hours and twenty-five minutes, and the gentleman from Pennsylvania, Mr. PALMER, has consumed one hour and forty minutes.

Mr. POWERS of Massachusetts. Mr. Speaker, this House has been entertained and instructed by two very able speeches. One was made by my friend the gentleman from Pennsylvania [Mr. PALMER] and the other by my friend the gentleman from Maine [Mr. LITTLEFIELD]. The former filled for years, with credit and distinction, the great office of attorney-general for the Commonwealth of Pennsylvania, and the other gentleman filled, with equal honor and distinction, the great office of attorney-general in his own State. These gentlemen have carefully studied the evidence before the House in this impeachment proceeding, and it is entirely evident from the speeches that they have made that they have reached diametrically opposite conclusions upon all the articles but three. I am reminded of the story that they tell of the jury that came in and reported a disagreement. The court criticised the jury, saying that they ought to agree, that there had been a careful trial. The foreman then arose and said: "Your honor, how can you expect this jury to agree upon the evidence when the opposing lawyers who have given months of study to the question could not agree upon the evidence?" So I say, Mr. Speaker, that when these two distinguished gentlemen reach diametrically opposite conclusions it is well for us to undertake to determine for ourselves what this case really is. I regret, Mr. Speaker, that the gentlemen who have spoken to this House have shown a little too much zeal and a little too much partisan spirit in the discussion of a great judicial question. I can not but feel that this House under the debate, so far as it has proceeded, has proceeded under a misconception of its present duty. Now, what are we considering at this time? We are certainly not considering the question whether Judge Swayne ought to be impeached, because we have considered that question already and we have voted upon it, and this House stands committed to the proposition that Judge Swayne ought to be impeached. Why, Mr. Speaker, on the 13th day of December, after debate, after careful examination of the evidence—and the evidence before the House at that time was exactly the same evidence which is before the House at the present time—the House reached the conclusion that the resolution of impeachment ought to be voted, and we appointed a committee, and that committee notified the Senate that we had passed the articles of impeachment. At the time we gave notice that we had voted to impeach the respondent we notified the Senate that we would in due time present to them articles of impeachment.

Mr. PALMER. Mr. Speaker, I ask for order.

The SPEAKER pro tempore (Mr. CONNER). Gentlemen, this matter under discussion is one of great importance and it is due to those who desire to hear that they should not be disturbed by those desiring to converse. We must have order, and gentlemen not desiring to cease their conversation will please retire to the cloakroom.

Mr. POWERS of Massachusetts. After the notice given by this House to the Senate we voted a resolution for the appointment of a select committee of seven to complete the pleadings in this case, and that committee having performed its duty has made a report. We have reported twelve articles of impeachment, twelve distinct charges, twelve counts under the indictment.

Now, what is the purpose of the debate at the present time? Is it for the purpose of determining whether or not Judge Swayne is guilty and ought to be impeached? We have passed upon that question already, and we are now to determine the form of trial which is to take place before the proper tribunal ordained by the Constitution. In other words, we have met in conference for the purpose of determining what shall be the form of the pleadings under which trial shall proceed. I assume that every gentleman present will agree that those pleadings ought to be in such form as to afford a fair trial both to the petitioners and the respondent, and I assume that every gentleman present will agree that those pleadings ought to be in such form as to deter-

mine the important question being agitated in this controversy between the people of the United States and Judge Swayne. More than that, Mr. Speaker, we are not called upon at the present time to discuss. Now, when the resolution was voted we did not undertake to pass upon any article of impeachment. A great majority of this House—a majority so large that a division was not called for—voted the resolution of impeachment, and they did that, I assume, upon the printed evidence then before the House, and that is the only evidence properly before the House to-day. Now, some of us may have voted in favor of impeachment because of the contempt cases; some of us may have voted for impeachment by reason of the nonresidence charge; some of us may have voted for impeachment by reason of the charge with reference to the appropriation of the property of the bankrupt railroad; others may have voted on account of the false certifications. Now, I care not what particular part of that evidence influenced the vote of Members of this House. This House said, by a large majority, that the evidence contained in this volume justified the passage of the resolution of impeachment. Now, suppose it should appear, and that is a probable case—

The SPEAKER pro tempore. Will the gentleman suspend a moment? A personal request has been made by your presiding officer to have gentlemen refrain from conversation in the Chamber. There are those here who desire to hear this discussion, and I ask of you, gentlemen, that you will accord to the speaker the hearing to which he is entitled. [Applause.]

Mr. POWERS of Massachusetts. Now, suppose it should appear that there is not a majority of this House in favor of any one article before it. That is, suppose it should appear that a majority of this House think that the respondent ought not to be impeached on the nonresidence clause, ought not to be impeached upon the false certification clause, and ought not to be impeached on any one of the twelve articles now before the House. Now, suppose we reach that conclusion. Where does that leave us? It leaves us in the position of having impeached Judge Swayne and of depriving him of the right of trial. Because that trial can not go forward until these pleadings are completed. Now, would that be fair to the respondent; would it be fair to the petitioners, and the petitioners are the American people? On the other hand, are we not committed to the proposition of framing such pleadings as shall try the important issues in the controversy? Well, now, your committee in making this report reached the conclusion that there were five important matters of controversy, and we took those five matters and we covered them by twelve different articles. Now, it is a fair question before this House as to the form of these articles, that is the question of pleadings, and everybody of this House, the House being committed to impeachment, of course is anxious that the pleadings should be in proper form, and I assume that every Member of this House is anxious that the trial, if a trial is to be had, shall be a fair trial by which the great subject of controversy between the people and the respondent shall be fully at issue with the opportunity for the Senate to determine upon all those great questions of controversy. I agree, Mr. Speaker, that we might properly perhaps have brought before the House other subjects upon which there was evidence, but to my mind we have brought before this House the five matters of the largest importance. Now, suppose that it should appear after discussion and vote that this House decides in favor of the first three articles and no other. I would like, Mr. Speaker, to have this House consider what position it would be in in that event. In other words, we decide that the respondent shall go to trial upon those three articles which relate to the false certifications of expense. Well, now, you bear in mind, Mr. Speaker, that the piece of evidence upon which that charge was founded was discovered by accident during the investigation.

It has never been a question of controversy between the people of the northern district of Florida and Judge Swayne. It was something that was discovered in the course of the investigation as it went forward. In other words, if we adopt those first three articles and reject all the others, we go to trial upon issues which have never been agitated in the State of Florida. What kind of a position does that leave us in?

Mr. LACEY. Is not the logical result of the gentleman's suggestion that we ought to have had these articles brought in and have agreed on some of them before impeaching at all? In other words, has not the committee put the cart before the horse? For instance, one-fifth of all the House is in favor of the impeachment on one item and four-fifths are against it; one-fifth are in favor of impeaching on the next item and four-fifths are against it, and so on clear through, followed by a unanimous vote in favor of impeachment, but divided up into five sections, the House against impeachment on nine of them. Now, is not

that the difficulty in which the committee involves us by bringing proceedings in this form, and should we not have the specific charges voted on before formally impeaching before the bar of the Senate?

Mr. POWERS of Massachusetts. The answer to that, Mr. Speaker, is that the committee has followed exact precedents—the precedent in the Peck case has been followed in this case—and apparently the precedents have been the same in this country as in Great Britain as to method of proceeding; and when we have an impeachment trial of a judge only once in seventy-four years it becomes pretty important to follow precedents, and that is what we have done in this case. Now, I do not agree with my friend from Iowa [Mr. LACEY] that the present situation in any way embarrasses us. We have voted that upon that evidence Judge Swayne ought to be impeached, and, therefore, we have voted impeachment. Now, the only thing we are attempting to do is to frame articles which are in the nature of pleadings, or, if you please, counts under an indictment, by which the great questions of controversy out of which has grown this impeachment, in consequence of which the House has voted this impeachment, shall be put in proper form.

I think, Mr. Speaker, that this House will agree that we owe that to the respondent, and that we owe that to the petitioners, because I take it that Judge Swayne has never asked my friend from Maine [Mr. LITTLEFIELD] or my friend from California [Mr. GILLET] to undertake to shut out a hearing upon those four important matters which are covered by the nine articles of impeachment beginning with article 4. If Judge Swayne is to go to trial he wants to be tried upon the great questions in controversy which have arisen in his own district. He does not want to be tried upon a question which no more affects the people of his district than it affects the people of my judicial district in Massachusetts. If he is to be tried at all, he wants to be tried upon these questions which have been agitating the people of his district for many years.

Now, it strikes me, Mr. Speaker, that what has embarrassed this House in this debate is the fact that the committee taking this testimony saw fit to extend that generous treatment which it did extend to the respondent. You will bear in mind that the respondent was not entitled to give evidence in this ex parte hearing. He was not entitled to be represented by counsel, and in no case can you find in the impeachment trials of this country where a respondent was ever permitted to go before a grand jury that was framing an indictment and attempt to persuade them from framing the indictment which was under consideration. That was not the case of Pickering, who was impeached, nor the case of Peck, who was impeached, and it is not the usual case in the criminal procedure of this country.

And yet my friend from Pennsylvania [Mr. PALMER], my friend from Alabama [Mr. CLAYTON], and my friend from California [Mr. GILLET], who made up that select committee, being fair-minded men, said, "We will give the same opportunity to the respondent as we give to the petitioners." So he appeared by counsel. He gave evidence and they permitted him to file letters that he had received from people, letters which he had received long before there was any discussion or agitation over this question in his district. He filed letters of recommendation, letters which were written to President McKinley. He was allowed to say that he had been recommended for a position on the Supreme Bench of the United States. He was allowed on two occasions—and I think on three—to make long speeches before the committee, and the committee treated those speeches as evidence. Why, I never heard of such generosity before toward an accused, and the very fact that they permitted the respondent to do that has involved this House in a controversy as to whether he is guilty or not. I think that the committee attempted to do too much. They attempted to perform not only the duty imposed upon this House, but they attempted to perform the duties imposed upon the Senate. In other words, they undertook to determine whether he was guilty on these several counts, and they heard, I think, quite as much testimony from the respondent as they heard from the petitioners.

Now, the effect of that was it has thrown into this House a debate upon the merits, something that was never contemplated in impeachment proceedings, and so my friend from Maine gets up and says the respondent says so and so. The respondent was permitted to give an explanation of why he did this thing, and he was permitted to explain his conduct years after he had taken action upon this thing and that. And yet in spite of all that my zealous friend from Maine makes a speech running through something like four hours, and by insinuations and innuendoes charges the committee with being unfair to the respondent. Why, the fact is we, who represent the people of the United States, have the right to criticize this committee for

having treated the right of the petitioners in the manner in which they did. If there were no evidence before this House except that which came from the petitioners, do you suppose this House would hesitate for a moment upon any of the articles now under consideration? The very reason why we do hesitate is because the committee has brought before this House evidence from witnesses they had no right to examine in an ex parte proceeding of this kind.

I do not propose, Mr. Speaker, to go into a discussion of the merits of this controversy. I take this position, and I ask the Members of this House to carefully consider that position and see whether or not I am right. I take the position that the only question before this body is putting the pleadings into proper form. I take the position that this House has no right to pass upon the question whether Judge Swayne is guilty or innocent under any one of these articles. It is purely a question of probable cause, and upon the evidence submitted we have arrived at the rational belief that the resolutions of impeachment are justified. I, for instance, have reached that conclusion, I will say, upon the contempt charges; some other Member has reached it upon some other charge; but the body as a whole has said that the entire evidence justifies the impeachment, and the House has voted impeachment.

Now, the duty of this House is to so frame the pleadings that the important charges and allegations contained in the evidence shall be in a proper, regular form, so that the respondent and the petitioner may have a fair trial before the Senate of the United States.

Now, Mr. Speaker, with all seriousness, I ask this House if there is any other question before it. Why, you may take the Peck case—I was looking at it only this morning—and after they voted the impeachment they got together as to the form of the articles, and they discussed amendments as to the articles, but they did not discuss the merits of the articles; and you will find that to be the same in the Pickering case; and you will find it to be the same in the Belknap case, which was the last case of impeachment tried before the Senate.

We have started off upon an entirely different plan. We have undertaken to try, and my friend from Pennsylvania in his argument was undertaking to prove, that upon all this evidence respondent was guilty upon every charge. My friend from Maine undertook to prove that he was not guilty of nine of these charges, and then said he had doubt about the charge which he had reported in favor of some time ago. Why, if we are going to discuss the merits of this case, I do not imagine that there will be any revision of the tariff at the present session. If this debate is to go on in an unlimited manner, so that Members may make speeches of four and five hours, and that every man may state his own views—

Mr. PARKER. Will the gentleman permit an interruption?

Mr. POWERS of Massachusetts. I yield to the gentleman from New Jersey.

Mr. PARKER. Does not the gentleman think that the four hours spent by the gentleman from Maine were well spent in elucidation of the evidence?

Mr. POWERS of Massachusetts. In reply to that I will say that if the question before this House is the guilt or innocence of the respondent upon all these articles, it is well spent; if it is not the question before this House, it is thrown away.

Mr. PARKER. Is it not a fair thing to discuss whether a man may honestly be charged with different things—different things alleged to be crimes and misdemeanors? We all know that different things did not come up in either the Peck or Belknap case. Was it not in each a single thing—in the Belknap case the taking of money, and in the Peck case for contempt in one case?

Mr. POWERS of Massachusetts. In the Belknap case several reasons, and in the Pickering case one.

Mr. PARKER. Of the same character?

Mr. POWERS of Massachusetts. Why, substantially the same character. The difference in the case of Pickering, I assume, was the difference between intoxication on the bench and when he failed to protect the right of some client by reason of refusing him a fair trial. It seems as if that was rather somewhat different. [Laughter.]

Mr. COOPER of Pennsylvania. Mr. Speaker, do I understand the gentleman to say that this is the only instance in which a defendant has been given the right to be heard?

Mr. POWERS of Massachusetts. I know of no other instance.

Mr. COOPER of Pennsylvania. Do you know whether or not the right was refused in any other instance?

Mr. PALMER. Yes; certainly.

Mr. POWERS of Massachusetts. I will not undertake to say whether application was made and refused. I think this is

the first case where the accused person ever had the assurance to appear by counsel and ask to be heard before what practically amounts to a grand jury.

Mr. COOPER of Pennsylvania. The gentleman will recognize this, that the precedent whether or not the accused had the right to be heard by counsel would establish the views of this body upon the trial of cases of this kind, if they had been refused.

Mr. POWERS of Massachusetts. I believe we are bound to consider the evidence that is before us.

Mr. COOPER of Pennsylvania. Is not this an extraordinary remedy that is being sought by the people here?

Mr. POWERS of Massachusetts. It is the remedy which is provided by the Constitution. The Constitution provides that every judge shall hold his term of office during good behavior. Now, the only way by which you can test the question whether he has been guilty of bad behavior is by an impeachment trial. Take the case of a lawyer. If a lawyer is guilty of misbehavior, he is summarily disposed of and disbarred by the court. If a judge holding a tenure of office, such as a Federal judge holds, is guilty of misbehavior, the law permits the people to have that misbehavior examined only in one way, and that is by an impeachment proceeding.

Mr. COOPER of Pennsylvania. What I wish to get at is this: If this is an extraordinary remedy, does it not place upon the people who are seeking this remedy the burden of establishing their case?

Mr. POWERS of Massachusetts. It certainly does.

Mr. COOPER of Pennsylvania. Then, does it not require more than the establishment of a probable cause, which I understand your position to be?

Mr. POWERS of Massachusetts. I doubt if it requires any more than what is called a "probable cause." I do not see why a judge should stand in any different position than any other citizen upon the question of crime. In other words, all that we are bound to show is probable cause that the accused is guilty of the offenses charged in the different articles. That has been stated in another way. It was stated in the Peck case that what the House should find was that the evidence justified a rational belief that he was guilty.

But let me say in connection with this, that when this case reaches the Senate it is not to be tried upon the same testimony that has been presented before this House. There is no part of this testimony in the form in which it now is that can be used in the Senate. It will be determined upon new testimony, oral testimony. Different witnesses, possibly witnesses entirely outside of those that testified here will testify there and testify orally. The only question for us to make up our minds on is what pleadings are necessary.

Mr. GAINES of West Virginia. Will the gentleman from Massachusetts yield to me for a minute?

Mr. POWERS of Massachusetts. Let me finish this sentence and then I will be glad to. Having voted the impeachment, what pleadings are necessary in order to give a fair trial upon the important questions in controversy. I will now yield to the gentleman from West Virginia.

Mr. GAINES of West Virginia. I would like to ask the gentleman whether he or the committee have given any attention to the effect on this impeachment trial if it should not be concluded in the Senate before the 4th of March? Does an impeachment determined upon and entered upon by one Congress continue upon the expiration of that Congress? And if the Senate, proceeding to try this case de novo, hearing all the evidence, perhaps going into more detail than this House, should not have time at this session or before the 4th of March to conclude the hearing or reach any determination, what would be the effect?

Mr. POWERS of Massachusetts. I will say to my friend from West Virginia, that my understanding of the law is that whenever the respondent is once before the Senate, he is before what is known as the impeachment court, and that court continues until the trial is completed; and the change in the Senate which will take place on the 4th of March in no way affects the court as it is constituted to try it. It is true that new members may come into that court, and when they come in, if they have not taken the oath, they must take it; but that constitutes a court and continues as a court until the trial is completed. That is my understanding.

Mr. GAINES of West Virginia. If the gentleman will permit me, there seems to me to be no question that the court continues, for the Senate is a continuing body; but suppose, for instance, the House appoints certain managers to present the articles of impeachment. The managers appointed by the present House may not be Members of the next.

Mr. PALMER. Then the House will appoint some more.

Mr. GAINES of West Virginia. Can the action of this Congress bind the succeeding one? I am asking only for information.

Mr. POWERS of Massachusetts. I will say to my friend that my understanding is that if there should be any managers appointed at this session of Congress and the trial should not be completed and the managers should go out, then this House may appoint other managers to take their place, just the same as if you start a trial and your district attorney gets removed or dies in office, the next district attorney takes it up and carries it on. I think that is the situation.

Mr. OLMSTED. Will he gentleman permit me to interrupt him for a moment?

Mr. POWERS of Massachusetts. Certainly.

Mr. OLMSTED. Not for the purpose of embarrassing or taking issue with him at all, but for information. I quite agree with the gentleman that the House having voted for impeachment, the proper question now before it is as to the proper framing of the articles of impeachment. I expect to vote for most, and perhaps all, of these articles submitted, but there is one of them concerning which I have some question, and it is as to that that I wish to ask the gentleman from Massachusetts.

The fourth article charges that said Charles Swayne having been duly appointed, etc., did unlawfully appropriate to his own use without making compensation to the owner a certain railway car, and that it was provisioned, etc., and that he took that car and provisions under a claim of right for the reason that the same was in the hands of a receiver appointed by him.

Now, in the first place, I labor under the impression, gathered somewhere in this record, that the receiver was appointed by Judge Pardee, but I am not sure that I am right. Further, it seems to me that the evidence shows that he did not at the time appropriate this car violently or forcibly under a claim of right, but the evidence shows, on page 502, that the receiver sent it to him at his own instance—that is, the instance of the receiver.

Now, there is some evidence that ten or twelve years afterwards, the judge being asked about that, did say that he thought he had a right to use it because it was in the hands of the court, which had charge of the receiver. Is it entirely accurate and fair to the judge to say that he appropriated at that time that car and provisions under a claim of right? In other words, ought not that particular article to be framed somewhat differently, so as not to do the judge any injustice, which neither the gentleman from Massachusetts nor any member of the committee would desire to do?

Mr. POWERS of Massachusetts. I think my friend from Pennsylvania raises a pertinent question, and that is as to the form of pleading. That is what we are here for. I do not understand that he raises the question as to the merits of that article.

Mr. OLMSTED. I think it was improper for him to use the car, and particularly the provisions paid for by the receiver, knowing, as he must have known, that when the receiver's account came before him it must include the expenses of the provisions and the car. I think that is as improper as it would have been if a hotel had been in the hands of a receiver and he had taken his family and stopped at the hotel without compensation. But, at the same time, I think the article ought to be so framed as not to misstate the facts or to do the judge any injustice.

Mr. POWERS of Massachusetts. Of course, in the evidence of Judge Swayne which came before the committee he claimed that he had a right to appropriate to his own use—that is, to make use of for his own personal benefit—the property of the bankrupt railroad company by reason of its being in custody of his court. I understand my friend from Pennsylvania to say that the word "appropriate" is not the proper word as a mere matter of pleading, and that perhaps the word should be that he "accepted without right the property of this road and used it for his own benefit when tendered to him by the receiver who was an officer of his court."

Mr. OLMSTED. Yes; if at the instance of the receiver he accepted and made use of the car and provisions, knowing that the expense thereof must appear in the receiver's account, the article would be satisfactory to me.

Mr. POWERS of Massachusetts. I think there is a good deal of force in the position of the gentleman from Pennsylvania, and when it comes up at the proper time, it is a proper matter for amendment. It has not been my purpose, Mr. Speaker, to go into the merits of this controversy, for the very reason that I believe that we have settled the question of the merits so far as this body is concerned. I want briefly, however, to take up

one feature of this debate which, to my mind, is hardly worthy of the House. It is the partisan spirit that is being shown both on this side of the House and on the other side of the House. The great body of the membership of this House are lawyers, many of them have held judicial positions, and a number of them have been attorney-generals of their States.

We are sitting here as a grand jury, or, as has been stated, as the grand inquest of the nation, to settle simply a question of pleading, and I am very sorry that yesterday, and to a certain extent this morning, there came into this debate what would appear to be partisan feeling upon the part of one side or the other.

Mr. WM. ALDEN SMITH. Mr. Speaker, I have heard the gentleman from Massachusetts [Mr. POWERS] say two or three times that we are bound by that vote a few days ago. Now, I do not understand it so at all. In fact, if we are sitting as a grand jury, we have the same right that the grand jury exercised in Oregon a few days ago when they made an indictment and withdrew it a few days afterwards.

Mr. POWERS of Massachusetts. Had they filed the indictment with the clerk of the court at the time they withdrew it?

Mr. WM. ALDEN SMITH. Just a moment. I do not know of any rule of res adjudicata that should apply to this House. We have a right to reconsider this matter if we desire to. We have a right to take it up de novo if we want to.

Mr. POWERS of Massachusetts. There has been up to the present time no proposition to take it up de novo. There is no evidence before the House now that was not before the House when we voted the resolution of impeachment. I concede that men in this country have a right to change their minds; but this is not a tariff question; it is not a currency question. It is a question of law, and we settled this after a debate, and some extended debate, by a very decisive vote. Now, having settled it, we then went to the Senate and reported our action in voting that resolution.

Mr. WM. ALDEN SMITH. But some of us did not vote with the gentleman at all before, and are we bound by his vote?

Mr. POWERS of Massachusetts. Let me finish, and then I shall be glad to yield. We went to the Senate and said to the Senate that we had passed the resolution of impeachment. In other words, we filed our action with the Senate. Now, I do not undertake to discuss the question whether we have a right to rescind our action of December 13. I do not know. This is the first proposition that has been made to rescind it. It is rather a remarkable case when every member of the Judiciary Committee believes in impeachment, with the exception of my friend the gentleman from California [Mr. GILLET], and he believed in impeachment on December 13—

Mr. PARKER. No, sir.

Mr. POWERS of Massachusetts. But of course he has a right to change his mind.

Mr. PARKER. Will the gentleman allow me an interruption?

Mr. POWERS of Massachusetts. Allow me to make my statement and then I will yield. It appears that on December 13 every member of the Committee on the Judiciary and a very decided majority of this House believed that the resolution of impeachment ought to be voted. Now, if anyone has changed his mind since that time, he must have changed it upon a consideration of the same testimony that was before the House on December 13.

Mr. PARKER. Will the gentleman permit an interruption?

Mr. POWERS of Massachusetts. Now I yield.

Mr. PARKER. I entirely contradict the statement of the gentleman that at the time of the adoption of that report I or those with me believed that an impeachment ought to be voted. We did report that as to one matter—the certificate of expenses, unexplained—there was ground of impeachment. Mr. Speaker, I think it fair to the gentleman from Massachusetts [Mr. POWERS] to give him notice in brief of the position that I take. I say we reported that, unexplained as to motive, the certificates given at that time were grounds of impeachment, if false. There are many offenses which are indictable for which the grand jury does not indict, and I rose in my place here in this House in that debate when the previous question was moved in order to tell this House that it was within its wise discretion, looking at the practice which seems to prevail among different courts of this Union with reference to that statute, to say as to whether impeachment should be ordered.

Mr. POWERS of Massachusetts. Is this a question?

Mr. PARKER. I am giving the gentleman notice, I have already stated to the gentleman.

Mr. POWERS of Massachusetts. I yield to any privilege under the sun.

Mr. PARKER. I have already said to the gentleman that I

thought it was fair to him that I should make a short statement of my position, so that he could answer me, as he is upon that point. I shall likewise at the point—

Mr. GILBERT. Mr. Speaker, will the gentleman from Massachusetts allow me to ask him a question?

Mr. POWERS of Massachusetts. I don't know whether I have the floor.

Mr. PARKER. Oh, the gentleman has the floor.

Mr. POWERS of Massachusetts. Very well. If the gentleman from New Jersey will yield to my friend from Kentucky to put a question, I should be glad, for the gentleman from New Jersey now has the floor.

Mr. PARKER. Oh, I can not very well do that. I have not the floor. I am simply giving notice that I shall likewise insist before this House that where different crimes and misdemeanors were alleged it was the duty of the House to have voted whether each class of matter reported was impeachable before debating that resolution of impeachment, and that the committee was entitled to the vote of a majority on each branch, and that now for the first time the real question of impeachment has come before this House to be determined—not by five men on one charge, fifteen on another, and twenty on another coming in generally and saying that for one or another of the charges Judge Swayne should be impeached, but on each particular branch of the case.

Mr. POWERS of Massachusetts. Mr. Speaker, I now yield to the gentleman from Kentucky [Mr. GILBERT].

Mr. PALMER. Why do not you answer the question of the gentleman from New Jersey [Mr. PARKER]?

Mr. GILBERT. I do not want to interfere with the line of the gentleman's argument, but I want to know this: You have two or three times disclaimed any desire to discuss the merits of the controversy, and you couple with that proposition another one that the only purpose of this grand jury or this House is to properly formulate the items. Now, how are we to intelligently formulate the items without an intelligent comprehension of the testimony? For example, the proposition is presented to the House whether or not we shall impeach him upon the charge of \$10 a day. Gentlemen voting "aye" on this testimony support that contention, and so with the other charges, so do not we necessarily have to discuss the testimony?

Mr. POWERS of Massachusetts. Mr. Speaker, that is a very fair question, and I assume that we had considered the testimony when we voted the resolution of impeachment. At that time the committee urged the impeachment upon five grounds, and those are the only grounds which are covered by the articles, and it was upon those five grounds and upon no other that the committee making the report urged the impeachment, and we had assumed that when the House voted the impeachment they practically said that a probable cause was made out in these five subject-matters which were discussed before the House.

Mr. GILBERT. But the gentleman from Massachusetts on that occasion said that that was not the proper time to discuss the merits of the case.

Mr. POWERS of Massachusetts. I do not think I made that statement. I said this was not the proper tribunal to discuss the merits; that the question of guilt or innocence must be determined by the trial tribunal and that this was not the trial tribunal.

Now, I want to just make a little reply to my friend from New Jersey, who has asked me a question and, as I understand, has served notice upon us—

Mr. PARKER. I simply stated what my position was.

Mr. POWERS of Massachusetts. I understood him to say it was not quite fair for me to say that he favored the passage of the resolution of impeachment. I wish to call his attention to the report which is signed by him, RICHARD WAYNE PARKER being the name at the head of it—

Mr. PALMER. Written by him?

Mr. POWERS of Massachusetts. I judge by the excellent English in which it is written that it was written by my learned friend from New Jersey. This closes with the following language:

As a witness—

Referring to Judge Swayne—

he answered and explained every other charge—

Meaning every other charge except the charge of false certification—

This charge he made no effort, as a witness, to answer or explain. The inference from the record, on general principles, is that the charge is admitted to be true, and that he has no answer or explanation thereto. Whether a satisfactory explanation can be made we do not say. We must take the record as it stands.

Upon this record, unanswered and unexplained, we are of the opinion that in this particular an impeachable offense has been made out.

Now, I understand we have not the benefit of any testimony that was before us when my friend from New Jersey wrote that report. I do not understand that any explanation has been made by the respondent, and I do not understand if my friend from New Jersey has changed his mind upon what he has changed it. He has not changed it upon any explanation made by the respondent which appears in any official record or is properly before this House. If he has made an explanation in some other way through the press which has satisfied my friend that he ought not longer to continue with this report, that may influence him, but ought not to influence us.

Now, I want to say just this in closing, because I do not propose to occupy very much more time. You have here a unique and very peculiar situation. This is the first impeachment trial in seventy-four years. For three-quarters of a century the judges of this country have so conducted themselves as to meet with the approbation of the bar and suitors in their courts. Not a single dissent has come here from all these Federal districts throughout this country except the northern district of the State of Florida. For ten years an agitation has been going on in that district. The legislature of Florida, voicing the sentiments of the people of that State, have voted by an almost unanimous vote in favor of memorializing Congress for the impeachment of this respondent. If I mistake not, they have passed that vote twice, once several years ago and once in 1903.

Now, it is claimed by some of my good friends on this side of the House that back of this agitation is politics; that the very fact, which is admitted, that Judge Swayne came from a Northern State, that he was identified with the Republican party and sent down into Florida, is one of the causes of the dissatisfaction which exists in his district. I have examined that rumor somewhat carefully; I have examined that charge because I have heard it made off the floor of this House, and I have reached the conclusion that there is no foundation whatever to it.

Ever since the civil war we have been sending from the North good lawyers, and some lawyers not as good, to hold positions as Federal judges in the Southern States. To-day a large number of the judges in the South come from the North and vote the same ticket that I vote. Judge Swayne refrains from voting, but most judges vote. So far as I am able to discover there is absolute harmony to-day between the bar and the people of the South and those judges that went down from the North years ago to accept positions in the Federal courts of the Southern States.

So far as I am able to learn, politics have nothing to do with this controversy. I have great respect for the bar of the South. Ever since the days of the Marshalls and Pinckneys and Wirts the bar of the South has been an honorable institution, representing an honorable profession. [Applause.] I think it is fair to say that the reputation of the southern lawyer compares favorably with the reputation of the lawyers of the other sections of the Union. But when you find in a State a situation such as exists in Florida, it is not singular that there is more or less partisan spirit. It is not singular that that agitation in Florida should permeate the State of Florida and permeate a great part of the southern section. Let me suppose, Mr. Speaker, a case. Let me suppose that in Massachusetts we had a Federal judge who was distasteful to the bar and distasteful to the people, so that there would be agitation continued for years as to the question of his removal, and let me suppose that the legislature of Massachusetts voted by a substantially unanimous vote in favor of memorializing Congress for his impeachment. And suppose that every one of the delegation from Massachusetts upon this floor came here charged by the instruction of the general court of the Commonwealth of Massachusetts to present articles of impeachment. Do you not think that that situation would be likely to generate partisan spirit among us in Massachusetts? And would not that partisan spirit extend through all the States of New England and would not my friend from Maine [Mr. LITTLEFIELD] and my friends from Massachusetts be here talking in a language somewhat familiar to the language of the Representatives of the State of Florida? Why, it seems to me—

Mr. DAVIS of Florida. Mr. Speaker, will the gentleman permit an interruption?

Mr. POWERS of Massachusetts. Certainly.

Mr. DAVIS of Florida. I wish to say to the gentleman from Massachusetts [Mr. POWERS] that, as one of the Representatives from Florida, I thank him for what he has kindly said of us.

I desire to say, further, that we have two Federal judges in my State, one for the northern and the other for the southern district. They are both northern men and both Republicans. The judge of the southern district is James W. Locke, and there is no man in Florida more honored, more loved, and more

respected by the people of that State than Judge Locke. [Loud applause.]

Mr. POWERS of Massachusetts. I thank the gentleman from Florida for his statement concerning the matter. It covers the situation which I assumed existed in the South. I have talked with lawyers upon the floor of the House, and I find that that situation exists in nearly all the States of the South.

Mr. GILLET of California. Will the gentleman permit me to ask him one question?

Mr. POWERS of Massachusetts. Certainly.

Mr. GILLET of California. Will you state the opinion of the lawyers in Pensacola and in the northern district of Florida concerning the character, integrity, and industry of Judge Swayne prior to the O'Neal contempt proceedings? I want you to state the opinion of the lawyers and the citizens of the northern district of Florida concerning the industry, morality, and honesty and integrity of Judge Swayne prior to the O'Neal contempt.

Mr. POWERS of Massachusetts. I think the evidence clearly shows, Mr. Speaker, that this agitation has been going on for years; that the Florida legislature long before the O'Neal contempt proceedings had voted in favor of the impeachment of Judge Swayne.

Mr. GROSVENOR. Will the gentleman permit a question?

Mr. POWERS of Massachusetts. Yes, sir.

Mr. GROSVENOR. Is it not a fact that after that original and first resolution the State Bar Association of Florida passed resolutions strongly supporting Judge Swayne?

Mr. PALMER. For what?

Mr. POWERS of Massachusetts. I understood that they recommended Judge Swayne for some position that would take him out of the State. [Laughter.]

Mr. GROSVENOR. Will not the gentleman be frank? Did they not commend him for his great ability, honesty, and integrity?

Mr. POWERS of Massachusetts. There is published in the report of the hearings a large number of letters from lawyers in Florida—

Mr. GROSVENOR. But was not that the action of the State Bar Association?

Mr. POWERS of Massachusetts. I have not seen the recommendation from the State association, but I have seen letters from lawyers recommending him for a position on the Supreme Bench.

I do not undertake to say, to be perfectly fair, that Judge Swayne has not his friends in Florida; but they are not at the bar. There is no gentleman here who does not believe that there is a great controversy going on in that State, and that it is such a controversy respecting the respondent that it destroys the usefulness of the judge in the circuit for which he is appointed. That it became so was evidenced by the entire body of the people speaking by resolution passed by the legislature, and it has become a question that deserves, as it has received, and as it will continue to receive, the careful consideration of this House.

Now, I do not assume for one moment that the respondent in this case wants to have this House pass upon the merits of this controversy. Suppose we passed upon them; it is not a vindication of the respondent. Suppose we declined to indict him upon this charge or that. That is not a vindication of the respondent. If the position of the respondent and his friends be correct, he desires a trial upon all these great questions under controversy—the contempt case, the appropriation of the property of the railroad, the nonresidence case, and the false certification case. It is the duty of this House, not only to the people of this country, but also to the respondent, to say that he has a right to be tried fairly upon proper pleadings upon all these questions of controversy, and if we fail to send these up to the Senate and to give to the people of America a right of trial upon these issues and to give to the respondent the right of a fair trial upon these issues, we fail to do our duty. We stand here pledged to see, after the passage of this resolution, that there is a fair trial so far as the pleadings are concerned, and no man will do his duty who seeks to prevent a trial upon the great questions of controversy which to-day are not only agitating the people of Florida, but are interesting the people of every State in the Union.

We have the right to be proud of our judiciary. They have never asked us to protect them. They ask for no protection. Now, the American people have never sought a controversy with that great arm of our Government—the judiciary. They have come here at this time, to us, and we have said that they were entitled to a fair trial. That trial to be fair should be a trial before the greatest court which can be constituted in the United States, on pleadings which shall show the intelligence and fair-

mindedness of this House; and you and I, Mr. Speaker, will be satisfied, as will the American people, with the result and the verdict of that trial. [Loud applause.]

Mr. PALMER. I yield such time as he may desire to the gentleman from New York.

Mr. PERKINS. Mr. Speaker, in view of the full argument that has been made by the members of the Committee on the Judiciary, I should say nothing at this time were it not for the fact that I am not a member of that committee. The House must have seen that in this investigation a certain ascerbity of feeling has grown up in the committee—a certain partisan bias has naturally developed on one side or the other. We all desire, Mr. Speaker, to cast a fair, intelligent, and conscientious vote on this question. I never heard of Judge Swayne—I never heard Judge Swayne's name until I heard it in these proceedings in this House.

I never saw Judge Swayne. I knew nothing of the feeling in Florida, and I have endeavored conscientiously by reading every word, I believe, that is contained in this book, to qualify myself to cast a conscientious vote; and I have thought that a few words may be of assistance to many Members of the House who, like myself, knew nothing of the situation and want to do the thing that is right. So, very briefly, I shall state to the House some of the reasons that will guide me in casting my vote. To show that I do not speak in entire accord with the Committee on the Judiciary, I will first say that I do not take the position of my friend, the gentleman from Massachusetts [Mr. POWERS], who has just spoken. He said that we are bound by our vote; that we were only here now as a grand jury to frame articles of indictment. That is not my position. I believe that I am here to vote conscientiously on the question of whether or not I think Charles Swayne ought to be impeached.

If on reading this evidence I think he ought to be, I am bound to vote that way. If on reading this evidence I think he ought not to be, certainly I ought not to vote for his impeachment on any article. And, having reached the result that I think he should be impeached, then I do not care one straw whether I think the Senate will impeach him or will not impeach him. We have each of us to vote upon our own conscience, responsible to the people that we represent, as to whether we think the man is a fit man or an unfit man to be a judge, and if I think he is a man unfit to be a judge, it does not matter if I believe that every one of the ninety Senators of the United States will vote for his acquittal, I will not so vote in this House.

Now, Mr. Speaker, there is another thing to be considered. This man holds an office of great dignity and importance. He is one of the few men who hold office in the United States of America for life.

Nobody, President, people, nothing but the act of God Almighty can take him from his office so long as he fills it with good behavior. He holds an office of great responsibility, as any judge does, to decide the issues justly and fairly that are presented before him. He has great power by which he can do as Judge Swayne has done, commit men for contempt, or sentence one of his fellow-citizens to jail or to punishment—a power possessed by no one else, not even by this House of Representatives, unless a man refuses to answer a question before us.

Now, Mr. Speaker, where there is great power, where there is great dignity, there should be great responsibility. When we pass upon the question of good behavior of a judge of the United States, we have a right to demand a high standard.

I shall not discuss all these questions here. I wish to say a few words on one subject, because it produced upon me as a lawyer the strongest impression as to Judge Swayne. It was not what was said by others, but what Judge Swayne himself said and what Judge Swayne has done through a series of years that convinced me he was a man unfit to hold this office.

What have we a right to ask of a man who sits to administer the law? First and foremost, that he shall himself scrupulously, religiously, and honorably obey the law. He sits to punish criminals who disregard the provisions of the statutes. I will not vote that a man who has himself, as I believe from the words of his own mouth, for years evaded a statute of the United States is a fit man to continue to administer the law. And I am going to call the attention of the House only to what Judge Swayne said himself; not to one word of evidence that was given by any other man.

The statute says that a judge of a United States court shall reside in his district, and it is an unusual statute in this respect, that it contains the provision that if he fails so to do he shall be guilty of a high misdemeanor. Judge Swayne and every judge of the United States who assumes that office has notice

in the very wording of the statute that this is not only a thing that he is bound to do, but that if he fails so to do he is guilty of the very thing for which a judge can be impeached, a high misdemeanor.

Judge Swayne was a United States judge in Florida, and he was living in St. Augustine, in his district. The boundaries of the district were changed, and it became necessary for him to remove from St. Augustine and go into the northern district. There is no doubt that that law was distasteful to him. He did not want to move. It may have been a partisan law; it may have been passed by a Democratic Congress with an idea of getting rid of him. I do not know and I do not care. It was the law of the land which he had sworn to administer.

Mr. PALMER. You are referring to the change in the boundaries of his district?

Mr. PERKINS. Yes; it rendered it necessary for him to change his residence. Now, let me read what he says. In my consideration of this case I had read down to that point and I had said, "There does not seem to be a very clear case against Judge Swayne;" but when I struck that statement I made up my mind that that man was an unfit man to be a judge. What did he do when the bill was passed changing the limits of his district, which made it necessary for him to move to Pensacola or somewhere else? He said:

My friends told me, Democratic friends told me, that they thought the next Congress would change it back; that there would be a Republican Congress and it would change it back.

It is as plain as the ceiling above us that for two years he had no thought and took no step about changing his residence. Why? Because he believed a Republican Congress would change the boundaries again. What would have been done if a man had been brought before Judge Swayne charged with a violation of the revenue law, and that man had said, "Oh, I did this, but I thought in two years a Democratic Congress would come in and repeal that law." Would Judge Swayne have pardoned him? Would he have dismissed him on that account? Are the gentlemen within the sound of my voice, Republicans or Democrats, willing to say that a man is a fit man to fill the office of judge who for two years knowingly violates the law of the land, a statute which to violate is a high misdemeanor, because he thought it would be changed back and it did not suit his convenience to move?

Now, let us go further. It was not changed. What did he do? Why, to talk about his being a resident of his district, I say, with great respect to my learned friend from Maine [Mr. LITTLEFIELD], is nonsense.

He had no home there, he had no family there, he did not vote there, and he did not pay taxes there. What did he say before this committee? He says: "Oh, I regarded myself as a resident." And this judge of the court has the effrontery to produce as evidence of his residence the fact that he went up to Pensacola and stopped at a tavern and wrote his name, "Charles Swayne, City." [Laughter.] The intention is to be considered, but, Mr. Speaker, there must be facts. The intention as to residence is regarded by the law as characterizing a man's act. I can not say that I intend to go to Pennsylvania and by that declaration become a resident if I stay in New York. If I go to Pennsylvania, then my intention is evidence of whether I intend to leave New York, whether I have left temporarily or permanently; but this man did no act, he took no part or place in the State of Florida, certainly until 1901, and I think not until 1903. For five or seven years, it makes no difference which, he was no more a resident of Florida in the eye of the law than I was a resident of Florida.

The courts have passed upon this question and in a case out in Utah the court said that this provision of residence meant an actual residence. Of course it does. It is not the nominal residence which sometimes determines a man's right to vote, but it is an actual residence, so that a litigant without trouble and loss of time, or loss of money, can find a judge ready at his hand; and the court says in interpreting this same statute, or a similar statute:

It is clear that residence means an actual as distinct from a constructive residence, and the law directing a district judge to reside within the district was manifestly not made—

This is what Judge Swayne forgot—

was not made for his convenience, but for the benefit of the people whose servant he was.

Now, Mr. Speaker, what does this judge, sworn to administer the law, say about this charge? Why, he comes in and says "I never heard that anybody was injured by my not being there."

Mr. Speaker, can a man be fit to administer the law who, when he himself has evaded it, says, "Oh, I don't know that it did any harm." It is the plea of every criminal—of men very much lower in the scale than Judge Swayne—"Oh, I didn't com-

ply with the law, but I don't know that it did any harm." Is he a fit man to sit as a judge who has the effrontery to come before this committee and, instead of seeking in every way to show that he was a resident, an actual resident, say, "Oh, I don't know that it did any harm; for nine long years, or for seven long years, I was only in the district of Florida sixty days out of a year, but I don't know that it did anybody any harm."

One thing more and I am done with this part of the case. He says, "I spoke to two or three real estate men," in his attempt, if it can be called an attempt, to show that he was seeking a residence there—"I spoke to two or three real estate men and they didn't find a house to suit me." Is it an excuse for a judge for five long years to violate the law which says that he shall be a resident of the district, to say that two or three times "I spoke to a real estate man and I didn't find what suited me?" His duty was to be there; his duty was to be suited. Oh, Mr. Speaker, when he thought that he could safely evade the law, he found no house to suit him. He never would have found a house to suit him if it had not been for these proceedings. When these impeachment proceedings were finally started—

Mr. GILLET of California. Will the gentleman allow me an interruption?

Mr. PERKINS. Certainly.

Mr. GILLET of California. The gentleman said that he found no house to suit him until these proceedings were begun. Is it not true that he found a house in 1900 and moved in with his family and his furniture?

Mr. PERKINS. Well, assuming that; he was not a resident there for six long years. Perhaps the mutterings of the storm were heard even in 1900. For six long years he had violated the law, and he then found a house. There is no statute of limitations here. A man is impeached because his outward conduct shows the lack of inward grace. He will again do wrong when it is safe. I understand it is claimed, and that is my understanding of the evidence—the gentleman from California is much more familiar with it than I am—that in 1900 he was there only a few days, and it was a pretence of residence.

Mr. GILLET of California. That is not the evidence.

Mr. PERKINS. Well, you may call it 1900 or 1903. The mutterings of the storm came, the impeachment was started, and until that time Judge Charles Swayne found no house to suit him. He was like the criminal lower down in the scale, who proceeds so long as he thinks he can do so with impunity, and when the officers of the law are after him he seeks to reform.

Now, Mr. Speaker, that is not the sort of man who is fit to hold the office of judge. Just one word more and I will be through. There are two things more that I desire to say as characterizing the manner of man he is. If I thought he was a fit man for judge, God forbid that I should vote against him, and if I think he is an unfit man, certainly I shall not vote for him. I care not what his politics may be. When the controversy was up on the question of the drawing-room car, Judge Swayne said, "Yes; I appointed ten receivers of railroads," and this phrase struck me, and I call it to the attention of the House. "I have appointed receivers of ten railroads." I come from a State where there are many applications for receivers of railroads and of other things. I know the class of judge, and every lawyer in actual practice knows the class of judge who has many applications for receiverships and that sort of work.

Some twenty-five years ago we impeached two judges in New York State, Barnard and Cadoza. They had appointed more receivers and done more work of this sort than any other ten judges in the State of New York. There is a class of judge to whom attorneys of a certain class apply and to whom people who wish to be appointed receivers run promptly. This class of people evidently thought Judge Swayne was their man, and it is curious to notice that judges of that sort, who are sought after to appoint receivers, are generally the judges we find accepting favors from receivers; the men who are sought for to put their friends in those positions are the men who themselves we presently find riding in drawing-room cars at the expense of the receivers. There is just one thing more I wish to speak of that also characterizes the man. The gentleman from Pennsylvania [Mr. PALMER] spoke about the proceedings for contempt. The gentleman from Maine [Mr. LITTLEFIELD] occupied hours in arguing whether or not those proceedings were wholly justified.

I have practiced law all my life in the State of New York among judges of high standing, judges who uphold the honor and dignity of their courts better than men like Judge Charles Swayne could ever do. I have never known a case—though I have sometimes known of cases of lawyers being rebuked by the court for some improper act or speech—where the judge of our

supreme court of the State of New York found it necessary to commit lawyers to jail and to fine them, and to seek to strike them from the roll of attorneys.

Those are the things, Mr. Speaker, that in connection with all the rest are important as showing that the man is not fit, is not qualified, to be a judge, that he is not conducting himself with that good behavior which, and which alone, gives us the right to leave him in office. Mr. Speaker, I have finished what I have to say. I feel, and I am sure we all feel, that we are sitting here as jurors in a case of the people of the United States against Charles Swayne. If I believe he was fit to hold his office, surely I would vote against these articles. If I believe this evidence shows that he is unfit to hold the great office of United States judge, then I will vote as I shall vote. I will do what I can to remove from the bench a man who has brought dishonor on it. [Applause.]

Mr. PARKER. Mr. Speaker, there are some advantages in waiting for the closing of a case, but there are advantages also in speaking to you now, when you are ready to listen to what I have to say.

This is, unfortunately, the first time that the real questions on the impeachment of Charles Swayne have come fairly before this House. I say this advisedly. Impeachment is to be ordered for high crimes and misdemeanors. The House that sends the impeachment to the Senate must see good cause—I do not say “beyond reasonable doubt” or use the words “probable cause.” They must see good cause for each of the charges that they send to the Senate. Generally, there is but one charge. In the Belknap case it was charged in several items that money had been taken on public contracts.

In the Peck case there was but one charge as to a single punishment for contempt. In such cases the House can rightly and justly vote simply on the question of impeachment, for there is but one alleged misdemeanor. But in the present case, besides some ten other charges mentioned in the specifications, which carried a vote of the Florida legislature, there are five which have survived to this day, namely: As to the Belden and Davis contempt, the O’Neal contempt, residence, the certificates for expenses, and the use of private cars. Three other matters were urged before the House in the majority report and on the motion for impeachment, namely, the matters of the Hoskins bankruptcy, the younger Hoskins contempt case, and alleged favoritism to Tunison (see Appendix A, Abandoned Charges). These last were vigorously supported by arguments, now abandoned, that Judge Swayne had conspired to ruin the elder Hoskins’s business, driven the younger Hoskins to suicide, and unjustly favored Mr. Tunison. We can not tell how many votes were divided among these eight issues. The vote on impeachment decided nothing as to any one of the alleged crimes or misdemeanors. My friends were divided. Some relied on one cause, some on another, each opposing the opinion of the others, whether on residence, expenses, private cars, or the various alleged abuses of the power over contempts. Some of my friends lay stress on the private car, others think it a mere courtesy done years ago.

Some of my friends believe that the action of the judge on the Belden contempt was a clear case of usurpation, while others think the judge was absolutely justified. My friend from Massachusetts, who spoke last from the Judiciary Committee, I believe, has nothing to say on the matter of the certification of expenses, believing that the judge when he certified may have done so without evil intent, following a supposed judicial custom. On the other hand, he asserts that the O’Neal case was the worst thing of all, while others believe that as to O’Neal the judge did only his duty and that there is no possible ground of impeachment except on the charge as to certificates for expenses. Even on that charge the question of intent should be solved by every man according to his best judgment and conscience, and there is no evidence as to intent. I repeat that the vote taken on impeachment was not a majority vote against Judge Swayne on any one of these charges. That majority was made up of some who believed in one charge and some who believed in another. No majority of the House has determined that they believe the respondent guilty of any one of these different matters.

Gentlemen tell you that the House is bound, and that the House would stultify itself if it voted against these charges. Mr. Speaker, if there be any stultification in the action of the House it was in taking a single vote, throwing together things which have nothing to do with one another, and this resulted from the earnestness and zeal—honest, but mistaken—of the leaders of the majority of this committee, for when I rose in my place to speak on this matter, as a member of that committee, and asked that the motion for the previous question should not be pressed, intending to ask this House to vote separately on the various necessarily separate branches of those charges, I was made to

sit down, and the motion for the previous question was insisted on, and the House thus took a vote that does not determine any one of the questions, but leaves them all open separately. Thus we are now forced to determine for the first time whether a majority of this House, upon any one of these matters, will bring a charge of high crime and misdemeanor against a judge who has held for years an honorable position, not only by his office, but with the bar and in the community.

From pages 225 to 238 of the record we learn that in 1899 the lawyers and business men of Pensacola were eager to sign certificates as to his honor and integrity; not, as suggested, to get him out of Pensacola, but to make him judge of the circuit court for the fifth circuit, to preside over the courts of northern and southern Florida, as well as that of Georgia, Alabama, Mississippi, Louisiana, and Texas. The law firm of Liddon & Egan signed such a certificate, though Judge Liddon says he did not do so personally, and this is the same Judge Liddon who was employed by O’Neal in 1903 to draw the resolutions for the Florida legislature and press them against Judge Swayne, and who is counsel against him now. Judge Swayne was acceptable to the bar. He served in districts of Alabama, Louisiana, and Texas (as by the certificates, p. 437) for some seven hundred and forty-five days in eight years. This was but a part of his work. In 1903 he was two hundred and two days in the southern district of Florida, besides one hundred and thirteen days in his own (pp. 214, 215). We have yet to hear the slightest complaint except from Pensacola, as to the satisfactory quality of his temper, honor, and judicial ability in the trial of cases in these courts, extending the whole range of the Gulf States, from Florida to Texas.

Mr. Speaker, we are told this man is unendurable and a tyrant. One gentleman has chosen to say, a common thief. I protest. We stand here, Mr. Speaker, with the functions of a grand jury before our Maker, on our oath to determine severally as to the several and different matters alleged by a majority vote of this House whether impeachment shall be pressed on each or any particular ground. There is no law to bind us to any rule, whether it shall be on probable cause or beyond reasonable doubt. It is sufficient that you and I must answer on our honor and our oaths whether we find it our duty to impeach him on each several charge. A majority of the House must answer upon each charge, because the Senate has to determine upon each charge, and the House must impeach upon each separate charge, in fairness to the man and in fairness to itself. When we were asked to vote upon ten charges at once, that there was something impeachable contained in one or the other of those charges, we have already perhaps stultified ourselves in the mode of our procedure, but the previous question, as it was then ordered on motion of the chairman against the protest of a member of the committee, is responsible for that mistake.

I am speaking longer than I expected. It is perhaps time not wasted. I once tried an impeachment in my own State, and its trial upset legislative deliberation for four or five weeks. Whatever time is spent here in winnowing the true from the false is time well spent. Would that it had been done earlier! My friend from Massachusetts [Mr. POWERS] does not even admit that it was for the benefit of the House that it has had the careful, exhaustive, and truthful presentation of the evidence by the gentleman from Maine [Mr. LITTLEFIELD]. No one can add to that presentation. But I have something to say on each matter as to the effect of that evidence.

First, as to residence. Judge Swayne, when appointed in 1889, was and had been for years a resident of Florida. He established himself with his family at St. Augustine. We do not know anything about his financial affairs. Three thousand five hundred dollars was his salary till 1891, and \$5,000 since. He seems to have had little else, for the banks carry his note for \$200. Such a salary leaves little to spare for wife or family. He had a mother who lived on the old homestead, in Delaware, where he spent his summers. He did not travel much or indulge in luxuries, and got his board at hotels as cheaply as he could. Those of you who have tried to live on \$5,000 a year I will ask whether it was easy for a judge to live on \$3,500 a year, even at the place where he established his family in eastern Florida, where it is healthy in summer, and whether he would have means to move the family instantly to western Florida on the Gulf. He left his family at St. Augustine in 1894, 1895, and 1896.

Mr. Speaker, the statute provides that the judge shall reside in the district for which he is appointed. St. Augustine was in that district for which he was appointed, and his family stayed there, close by, and he himself established his residence in Pensacola, where he meant to go, by registering in the hotel, staying there or at a neighboring boarding house whenever

there was work to do, and he also ordered his name to be put upon the registry roll. Gentlemen ask how often he was there.

Mr. HENRY of Texas. I would like to interrupt the gentleman a moment. I understood him to say that the statute says that the judge shall reside in the district for which he is appointed, and the gentleman's contention is that he resided in St. Augustine when he was appointed?

Mr. PARKER. Yes, sir.

Mr. HENRY of Texas. That he must continue to reside there forever if the district should be changed?

Mr. PARKER. No; I do not; but I say that there was no moral obliquity in his keeping a residence which he had taken up under that statute until he could, with convenience, get another residence.

Mr. HENRY of Texas. Does the gentleman then assert that he should have removed his residence to the new district?

Mr. PARKER. I think he should have removed, and I think he did remove, but I think the circumstances were peculiar. He had a district composed of counties, a list of which I have here, which contained, in 1890, 128,626 people only, and contained, in 1900, 176,337 people only, not enough for a single Congressional district; but they depended upon him to do work in—

Mr. HENRY of Texas. Does the gentleman from New Jersey [Mr. PARKER] think that that is an answer to a positive statute?

Mr. PARKER. I am not saying that is an answer.

Mr. HENRY of Texas. I am trying to understand the gentleman from New Jersey.

Mr. PARKER. I have said to the gentleman from Texas [Mr. HENRY] that he had a reasonable time in which to remove. I have said likewise to the gentleman that he did move by going there. I have said now that he was not required by court business to remain there as much as he would have had to remain in some other district, I mean in attendance upon court. This is not on the question of residence. This is on the question of employment. Thereupon, having little work to do—you can count the cases in that district on your fingers, as given in the Attorney-General's report—he was assigned by the circuit judge and sent from place to place for important and onerous work, so that he did not seem to be in Pensacola as much as he would have been if he had not been taken away or had had business there to do.

Mr. HENRY of Texas. Will the gentleman allow me to ask him just one question?

Mr. PARKER. Go ahead.

Mr. HENRY of Texas. Do you hold that he became an actual resident of the new district as created by Congress?

Mr. PARKER. Yes; and I explain his absences as not inconsistent with complete residence. Judge Swayne himself explains carefully on pages 578 to 580 that he understood that he must reside in his district; that he went to Pensacola and registered in the hotel as of that city; that he kept it as his home; that he looked around for a house; that he finally got one in 1900, and that his wife, his family, and furniture have been there ever since, for four years.

No statute of limitations binds the House of Representatives or the Senate. No statute binds them. But this matter of residence is purely a statutory crime and misdemeanor. There is no moral obliquity if the judge only does his work in his district. The offense is purely statutory. A statute created it and a statute can limit it, and this limitation is imposed in the strongest terms, terms that would seem to apply to impeachment itself. Section 1044, Revised Statutes, provides:

No persons shall be prosecuted, tried, or punished for any offense, not capital, except as provided in section 1046—

Which covers revenue and slave-trade cases—

unless the indictment is found, or the information is instituted within three years next after such offense shall have been committed.

But whether the statute applies or not, impeachment will not be made on stale matters not involving moral character.

For four years he has resided in Pensacola beyond question. Before that time no one ever complained of his absence. No objection was ever made until long after his having a family home at Pensacola. He had always been there at every term—the number of his attendances are in the record—and for four years he has been living there in the midst of those people.

The House is asked to go back of four years and to find an impeachment because over four years ago he did not live there. No complaint was made until a man named O'Neal was punished in November, 1902, for murderous assault on an officer of the court, and O'Neal had resolutions lobbied through the Florida legislature, employed five several lawyers, and ran the impeachment attacks upon the judge from 1902 till his death. I do not think the House is going to trouble itself with a charge of non-residence over four years ago, or that impeachment is intended

for matters that do not affect the moral character of the man or his present fitness to do his work. There are sound reasons for limitations as to indictment. Old matters may be made instruments of revenge, and they take the time of the courts, juries, and people over questions that are past and on which time has passed and wherein evidence may be hard to obtain. These reasons apply with tenfold force when the Senate and House of Representatives are to give up public business in order to become court or prosecutor on an attempt to disgrace an honorable United States judge for a crime and misdemeanor which was never such in intent, if it existed at all, and which certainly has failed to exist for over four years.

Mr. Speaker, what has been just said as to length of time applies with tenfold force to the question of the use of the private car in 1893, eleven years ago. In principle we may not believe in the prevailing practice as to the use of passes or private cars, but while it lasts we may follow it honestly and use a pass. A man's conscience can not be brought down to any one single fixed rule as to the kindliness that prevail between man and man. A dear friend may give a thing of value which may not be given by or accepted from a stranger. The cigar or the meal or the wine or the entertainment will be taken from one man and refused from another. Each man's conscience must say in the special case where the line is to be drawn. In this case a receiver of a railroad in the year 1893, over ten years ago, had a private car—a private car that was not for hire and never brought a dollar to the railroad company. It was the car of the president of the railroad, maintained as such presidents' cars are always, by keeping a porter in it and ready for use by the president in traveling over the road. It is part of the necessary and usual means for the operation of a road. It is explained by Mr. Axtell, who was the lawyer of the road. Durkee, the receiver, is alive, but sick, and unable to appear.

Dearborn was the conductor on that car on one of the two trips. But nothing was heard on this matter until this fall, when a witness named Wurts came here after the original report was made. He had been a defeated candidate for Judge Swayne's office. He said that when he was in Florida, previous to 1895, he heard that Judge Swayne had been continually using a private car to come down from Delaware, and that Judge Swayne had admitted it to him, and that the judge was corrupt with reference to railroad management.

Now, the real facts are clear. Durkee, as receiver, had this private president's car. It goes free not only over that road but over all roads, because the car of the president of one road goes upon all other roads with free transportation. When the receiver found that Judge Swayne wanted to go to California, he appeared to have offered him the car to go to California, and the judge went to California and returned in that car with free transportation, but he furnished his own provisions. There happened to be in the car some little liquid, whether apollinaris or something else we do not know. We can only appeal to the record, which has proved Judge Swayne's expenses at half a dozen hotels, and there is not a single drink included. We must conclude that Judge Swayne is not a drinking man or we would have heard of it in this case.

He provisioned that car; he accepted the loan of his friend's house, you may say; he accepted the courtesy from the railroad of the use of that car. It cost the railroad nothing. It was, as was said, better running than standing still.

Now, this is not a thing that we commend. We have criticized it as at least unwise and tending to provoke criticism. But it is something that may and must be left to each man's conscience what courtesies of that sort he may accept. And, as pointed out by the gentleman from New Jersey [Mr. McDERMOTT] yesterday, the accounts of all these matters have been audited, have been displayed in the courts, no objection has been made, and the stockholders and directors must be taken to have assented, and it is done. Now, the other and second case is simpler yet. In the same year, 1893—for there were only two instances of use of the private car—we find in the testimony of Mr. Axtell, who was the counsel of the road, a description of how it came to go to Delaware, and it is a case that might happen to anyone. In this case Mr. Axtell says:

Q. There has been testimony here of the receiver's car being sent for Judge Swayne and his family to Delaware. Was that while Mr. Durkee was receiver?—A. Yes, sir.

Q. Was it within your knowledge at the time?—A. It was.

Q. Do you know at whose instance it was sent?—A. The receiver sent it at his own instance.

Q. Within your knowledge?—A. Well, he told me so at the time. It came about in this way: Judge Swayne was at Guyencourt. I think, with his family, and was about to return to Florida in the fall, and Major Durkee, the receiver, suggested that he would send the car to Delaware for Judge Swayne to return, and he made application to the various roads to pass the car from Jacksonville to Delaware and return. The car was passed without expense to the receiver or to the railway property.

Q. Was or was not that car kept by the receiver for his use as the manager of the road?—A. Yes, sir. It was a car that came into his hands when he took charge of the property, and was used by the officers of the road—that is, the executive officers. They had another car used by the subordinate officers, and the receiver always used that car when he used any. And I will say there was no hesitation on the part of the receiver to ask other roads to transport these cars, because in the winter time there is scarcely a day that that road did not haul the private cars of other roads without compensation, as it is customary to do.

Here is a judge at his home in Delaware, who is going down to Florida, and he is notified that the private car of the receiver is coming up to Guyencourt, or is on the way, to take him down with his family when he wants to go. It is a courtesy to him, and he accepts it as a gentleman. Does it alter his position as a judge? Does it alter his action, or was there anything corrupt about it?

I feel like saying to myself, as well as to the rest, if it comes to a question of receiving things as courtesies which are sometimes of value, "Let him that is without fault among you cast the first stone." But this transaction is dead. It is back in 1893. It was not put in the original specifications; it was not a part of the case before the Florida legislature; it was not brought in here as part of this case, but it came from a disappointed candidate for office, on the new testimony, after the report had been brought in. This House, like a grand jury, will wipe that charge from existence. We may not defend it; we may think there is too much private-car travel; that there are too many passes, and that an enlightened public conscience, or perhaps the action of the railroads, will stop this thing in the future and change our system. We are not defending it, but we do say that I can not accuse a man of moral obliquity in such an action as this.

Mr. THAYER. Will the gentleman allow me an interruption?

Mr. PARKER. Certainly.

Mr. THAYER. Is it not a fact that that whole railroad was constructively in the hands of the court itself when it was in the hands of the agent of the court, the receiver, and is it not a fact that the court has got to pass on the debit and credit as kept by the receiver of everything received in and paid out for that railroad? And what does the gentleman say of the propriety of a judge accepting this donation from the receiver when he, the judge, was to pass on his account?

Mr. PARKER. I think that that cost about \$20.

Mr. THAYER. Well, that might vary. Isn't there a distinction between that and a railroad corporation giving free transportation to a judge from one place to another? In this case the receiver was the agent of the judge.

Mr. PARKER. I do not know; we look into the intent upon these things. One thing must still be greatly dark—the motive, why they do it—if it were done honestly, as many another man has taken friendly favors from friends, no matter what the relations were. A lawyer is employed by one man, and then may rightly become attorney, not in the same case, against his former client. Each man must keep himself upright in motive, though doing things in this world that may vary from one time to another. We should not hasten to condemn another's motive in a matter of this sort, which everybody seems to have thought right until this disappointed candidate for office came in on the tail of this case and put in these extra charges, which are now put first in the indictment, so that the dog comes in tail first instead of head first. [Laughter.]

Mr. STANLEY. Will the gentleman from New Jersey permit a question?

Mr. PARKER. Certainly.

Mr. STANLEY. I believe the gentleman has said that this private car cost about \$20.

Mr. PARKER. I said that was probably the cost of the provisions.

Mr. STANLEY. It went up to Delaware and got Judge Swayne.

Mr. PARKER. The car was never rented.

Mr. STANLEY. That car made the trip to carry Judge Swayne from one place to the other?

Mr. PARKER. The car went up with the porter and brought him back.

Mr. STANLEY. Would \$20 have carried that car through any one of the States? Would \$20 have furnished fuel for the train through any of the States over which he passed?

Mr. PARKER. Not a dollar was paid for the car. It was done as a courtesy from one railroad company to the other.

Mr. STANLEY. Was not the car drawn by an engine?

Mr. PARKER. Yes, it was drawn by an engine; but the engine charged nothing for its services.

Mr. STANLEY. How about the coal? Didn't that cost something?

Mr. PARKER. The same rule applies and I make the same answer. The president's car on different railroads are drawn from one railroad to the other without charge.

Mr. STANLEY. Did it have a special engine?

Mr. PARKER. Not at all.

Mr. STANLEY. Was there an engine to draw that car?

Mr. PARKER. No; it was shifted from one train to another—tacked on a regular train. I am very glad that the gentleman asked the question.

Let us next take up the case of O'Neal. I will put it to any man, what would he do in such a case if he were a judge upon the bench? Greenhut, the man that was stabbed, was appointed trustee in bankruptcy. The duty of such trustees by the bankruptcy act, section 47 in the second supplement to the Revised Statutes, on page 858, was "to collect and reduce to money the property and the assets for which they are trustees under the direction of the court, and to close up the estate as expeditiously as is compatible with the best interests of the parties in interest." He was, therefore, appointed trustee with these duties to perform under the command of the court. His duty was to collect all the assets, take them into possession, and distribute them. Now, mark that his duties were more than those of a sheriff in execution, who is likewise an officer of the court. If a sheriff had taken goods into his hands in execution, and anybody had gone to him, quarreled with him for taking them into execution, and stabbed him with a knife, no one would deny that under the statute a judge would have the power to punish, because the statute says that the courts must punish for contempt in case of resistance by any party, jury, witness, or other person to any lawful writ, process, order, rule, decree, or command of the court.

Mr. BARTLETT. Shall do what with him?

Mr. PARKER. The court may have the power to punish by fine and imprisonment at the discretion of the court.

Mr. BARTLETT. Does that mean to punish under the rule for contempt, or proceed for violation of law?

Mr. PARKER. This is the section as to contempt, and if the gentleman will turn to the majority report on this case on page 22 he will find cited there the act of Congress which gives the courts the power to impose sentence. It is as follows:

The said courts shall have the power to impose and administer all necessary oaths and to punish by fine or imprisonment, at the discretion of the court, contempt of their authority: *Provided*, That such power to punish contempt shall not be construed to extend to any cases except the misbehavior of any person in their presence or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said court in their official transactions, and the disobedience or resistance by any such officer or by any party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the said court.

The majority report says that this was not resistance to any legal act, order, rule, decree, or command of the court. Why not?

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question?

Mr. PARKER. I must go on now—not now; in a moment.

Mr. BARTLETT. I did not mean to provoke so much rudeness from the gentleman.

Mr. PARKER. I did not mean to be rude. I will be very glad to give an answer to the gentleman.

Mr. BARTLETT. I do not desire to interrupt the gentleman more.

Mr. PARKER. I beg the gentleman's pardon.

Mr. BARTLETT. I am sorry the gentleman gave so much rudeness.

Mr. PARKER. I am too much a friend of the gentleman to have him think any such thing.

Mr. BARTLETT. I beg the gentleman's pardon for interrupting.

Mr. PARKER. I beg your pardon. Come along.

Mr. BARTLETT. I was going to ask the gentleman if he does not know that the act of 1831 was passed as the result of the impeachment trial of Judge Peck, who insisted at his trial that he had the right to enforce his rules against people for contempt in his court the same as the English courts did, and that was the question on that trial; and it was to settle for all time that the judges of the United States courts could not have any such extensive powers that this act of 1831 was passed.

Mr. PARKER. I think I understand the gentleman's statement. I understood the statute was to limit the rules of contempt.

Mr. BARTLETT. And grew out of that case of Peck.

Mr. PARKER. I have heard so here; I never knew it before.

Mr. BARTLETT. I beg the gentleman's pardon if I am giving him the information.

Mr. PARKER. I heard it here from gentlemen who have made arguments on this case.

Mr. BARTLETT. I heard it long before I was a Member of Congress from people discussing that trial, who gave a history of the trial.

Mr. PARKER. I happen to be more ignorant. I never knew about the Peck case until it was mentioned in the Judiciary Committee and here in this matter. I have not studied it.

Mr. CLAYTON. Get the bound volume of the Peck case and you will find the original act printed in the back.

Mr. PARKER. Gentlemen, I am not talking to you about the Peck case.

Mr. Speaker, may I ask to strike out a little bit of this? I do not want to put this in the middle of my argument, and I now desire to go on.

Mr. BARTLETT. I think perhaps it will help it.

Mr. PARKER. I stated, Mr. Speaker, that this was an act of resistance to the command of the court. The command of the court was given to the receiver or trustee to take these assets into his possession. He is given a greater command than a sheriff or marshal under an execution. Under an execution the sheriff can only take the visible assets that he can seize. The receiver can sue for and take equitable assets that can only be recovered by suit. Under an execution the sheriff must only take so much of the assets as are sufficient to satisfy the claim or at least he can not sell more. Under the bankrupt act the trustee must take all the assets. Under an execution the sheriff can desist by permission of the plaintiff without an order of the judge.

Under the bankrupt act the receiver, until he is otherwise directed by the court, must take and collect every asset of the bankrupt that he can find in anybody's hands, whether in possession or in action. That was the trustee's duty. As part of that duty he began a suit, and it was his duty to go on with that suit and prosecute it, and, Mr. Speaker, if any Member of this House were a judge upon the bench, I ask what he would do in such a case? The judge, by order in bankruptcy, has appointed and commissioned a trustee to collect these assets and the trustee has brought suit against a bank. The president of the bank comes and quarrels with the trustee for bringing suit, and draws a knife and lays that trustee up for weeks, and takes the chances of killing him. What would any court do? I ask whether that is not a resistance to the command of the court? True, part of the act was past—the bringing of the suit—but there was more to be done. The cases are consistent, and that of McLeod, in 120 Federal Reports, is complete on this subject. In that case, because of a past action of a commissioner of the court, an attack was made upon him, and although the commissioner had nothing more to do in that case it was held nevertheless to come within that section, and the assailant was arraignable for contempt because it was proven the commissioner was doing his duty, under orders of the court.

The McLeod case is stronger than the one before us. Here the act of the trustee was not complete. He was still going on with the suit, and the attack upon him by this O'Neal was an endeavor to make him stay his hand.

Mr. PALMER. That is a penal statute, is it not?

Mr. PARKER. No.

Mr. PALMER. Does the gentleman say that this statute is not a penal statute?

Mr. PARKER. I read the contempt end of it. It is not a criminal statute.

Mr. PALMER. It is a penal statute, and therefore strictly to be construed.

Mr. PARKER. Yes.

Mr. PALMER. Very well. Suppose you are going to indict O'Neal for resisting the command of the court. If the court had made an order or rule of any kind, he would be in the indictment in *haec verba*. Suppose you are indicting him for resisting a command of the court, what would you set out in the indictment?

Mr. PARKER. I am not supposing anything of the kind.

Mr. PALMER. The gentleman says that O'Neal resisted a command of the court. I would like to know what command of the court he refers to? Does the record show any command that the court had made?

Mr. PARKER. The court had ordered this receiver appointed. His duty, under the statute following upon the words in that order, was to collect and reduce to money the property and assets for which he was trustee. That was the duty imposed upon him. What is more, we do not have to look for law on that subject. The O'Neal case has been decided on appeal before Judge Pardee and the other judges of the circuit court, good judges all. I wish I had 125 Federal Reporter here, because only part of that was read by the gentleman from Maine [Mr. LITTLEFIELD], and anyone who looks at that case will see the court determined expressly that if the facts were as charged in those papers, then contempt of court under the statute had been committed. What is more, O'Neal obtained a certificate as to jurisdiction to the Supreme Court of the United

States, a certificate granted by Judge Swayne. The Supreme Court of the United States ruled upon the case, and it said that the only question was one of fact whether O'Neal interfered with an officer of the court in the performance of his duty, and that such a question of fact could not be certified.

In the case before Judge Pardee the latter expressly ruled that a trustee in bankruptcy was an officer of the court and that he could not be interfered with. The whole case has been determined. It has been settled that this order for imprisonment of O'Neal was lawful, and if it was lawful I will leave it to any Member of the House if he had been a judge upon the bench and an attack had been made upon the trustee in bankruptcy that he appointed for the purpose of performing the official duty of collecting assets and that attack appeared to be in order to keep the trustee from going on with that duty, I ask whether exemplary punishment was not necessary and whether sixty days' imprisonment was not very small punishment? It makes me hot to find persecution lavished upon this judge for his honest action in this case. It is to be regretted, in my judgment, that his order for the punishment of O'Neal never took effect. It is still more to be regretted that it is owing principally to the money and the friends of this would-be assassin that the legislature of Florida was lobbied and a resolution passed against Swayne and that expenses of the prosecution of impeachment proceedings before the Judiciary Committee is now paid. If gentlemen wish to see and verify the truth of that statement, let them look at the record on pages 12, 13, 132, 133, 153, 481, and 482, showing five different lawyers who have been engaged in this work in the pay of this man O'Neal and against Judge Swayne.

Let us turn to the Belden and Davis case. They were guilty of marked contempt and deserved rightly to be punished. It is a case that excites the sympathies of many Members in this House, that of the old lawyer Belden and the other lawyer, Davis, who were ordered to be fined \$100 each and imprisoned ten days for contempt of court. The sentence was illegal. "And," instead of "or," was a mistake. It is an easy mistake to make when the statute says "fine or imprisonment." It is a common mistake to make, for in administering such statutes the sentence almost always includes imprisonment if the fine be not paid. But it is certain that it was a mistake. If the sentence had been imposed by the judge upon an ordinary poor outside person, who had no counsel and knew not the law, you might not be so sure. It was imposed here upon three lawyers—Belden, Davis, and Paquet. They were good lawyers. It was imposed at the advice of, perhaps, the most prominent lawyer in the State of Florida, Mr. Blount, whose testimony everyone should read. He looked over the sentence and obviously looked over the statute, because he said, "You can not disbar; you can only fine and imprison." The judge corrected it on that point; and everyone seems to have missed that little "or." There was no intention to do wrong in the form of the sentence. There can not have been any. If there had not been a mistake, the lawyers would have called the judge's attention to it, and the judge would have corrected it.

Mr. THAYER. Will the gentleman permit me to ask him a question?

Mr. PARKER. With pleasure.

Mr. THAYER. Can not you conceive it possible that these lawyers, who had been unjustly sentenced, remained quiet, knowing that a writ of habeas corpus would lie and that they would get their relief at once?

Mr. PARKER. Yes, sir.

Mr. THAYER. Then why do you blame them for not taking it out before the next day, when they could apply for the writ of habeas corpus?

Mr. PARKER. If you will look at the habeas corpus proceeding, you will find that application was made.

Mr. THAYER. They could take it out.

Mr. PARKER. It was taken out.

Mr. THAYER. They could have taken it out next day.

Mr. PARKER. The writ of habeas corpus was taken. I want to answer the gentleman's question; he has asked me one, and I want to answer it. My recollection is that the point as to the form of the sentence was not taken in the petition or petitions for the habeas corpus; and that even then the parties still did not know of it. (See the petition, pp. 329-30.)

Mr. THAYER. Suppose the full penalty of disbarment, fine, and sentence to the penitentiary had been imposed, and that they had been taken off in execution of that to the jail, could not they next day have sued out a writ of habeas corpus because of their unlawful committal?

Mr. PARKER. In this case just that happened, with the single exception of the disbarment; the sentence was only for fine and imprisonment. It was an unlawful sentence. Belden and

Davis did bring a writ of habeas corpus, and in the petition for it they did not set up that the sentence was illegal, but simply relied upon the question of jurisdiction of contempt itself, and did not even imagine that that sentence was illegal.

Mr. THAYER. The only effect of that is to convince me that the lawyers were about as ignorant of the law as the judge.

Mr. PARKER. We are all subject to make mistakes. When people ask me what is my profession, I say I hope I am a lawyer; I can not claim to be a great lawyer, for a great lawyer is a great man. Mistakes are made by the best lawyers, and that is the reason for the courts of appeal. But the proof shows beyond any reasonable man's doubt that it was a mere mistake in taking the law to be "fine and imprisonment" instead of fine or imprisonment; and we come, therefore, to the merits in the case and ask whether these men committed a contempt under the statute; and if so, whether they were honestly and fairly to be punished for it.

Now, I ask your attention for a moment to the facts on this particular matter, because they seem to have been misunderstood. If gentlemen who have copies of the record in this case will turn to the beginning of Judge Swayne's statement on this subject, beginning at the bottom of page 581, they will find that he says:

In the suits tried before me—

This McGuire suit had been tried before—

In the suits tried before me, involving the title to the extreme eastern portion of the city of Pensacola, the description given in the pleadings was as follows:

"That certain parcel or piece of land known as the Gabriel Rivas plat, containing 262½ acres, more or less, in the eastern portion of the city of Pensacola."

This, in a general way, was the only knowledge I had of its location. I knew nothing of its metes and bounds and did not refresh my mind as to its location at all.

So much for his knowledge, which is essential—

Mr. SMITH of Kentucky. Will the gentleman allow me to ask him a question?

Mr. PARKER. Certainly.

Mr. SMITH of Kentucky. Did not Mr. Hooten, the real estate man who sold it to him, or sold it to him for his wife, take him out and show him this land—show him all around?

Mr. PARKER. I am coming to that. He did not show him around this big tract that I am talking about—the Gabriel Rivas tract—or tell him the boundaries of that.

Mr. SMITH of Kentucky. He showed him lot 91.

Mr. PARKER. That is true; I am coming to that. Will gentlemen please not interrupt before I finish a little of my statement? This Maguire suit was as to what is called the "Gabriel Rivas tract." It was one of those sweep surveys, covering a large portion of the city, seemingly under some old Spanish or other grant, for the name "Gabriel Rivas," as well as "Caro," sounds very Spanish. I will read what Judge Swayne says:

In the summer of 1901 my wife had some money which she had inherited, and, desiring to invest the same, I advised the purchase of city lots. We looked over several and were pleased with the location of block 91 of the new city tract, and agreed with the agents to purchase. I knew nothing of Mr. Edgar, the owner of block 91—did not remember ever hearing his name before. He was not a party defendant in either of the suits of ejectment by the Caro heirs, although named in the pleadings of one of them, but no attempt at service was made so far as I am informed.

Not the slightest hint or suggestion had up to that time entered my mind that this block was a portion of the Gabriel Rivas tract, and only upon the receipt of Messrs. T. C. Watson & Co.'s letter of July 19, 1901, as contained on page 57 of the printed testimony, did I first learn of its connection with these suits.

Now, I turn to this letter from Watson & Co. They seem to have been agents for the sale of land, and they wrote him:

We have deed to block 91, New City, from Mr. Edgar, but he refuses to give a warranty deed to this block; he merely gives quitclaim deed. We have received a letter from him, in which he writes he is unwilling to give anything but a bargain and sale deed, as he is afraid of the old Caro claim on this, which seems to be his objection. We have recently made an abstract of title of this property, and it seems to us we would just as soon have one deed as the other, but we lay the matter before you so as to have you perfectly satisfied. In case the deed is not satisfactory to you, of course, we will have to drop this deed or wait until you come home. Thanking you for an immediate reply.

Yours, truly,

THOMAS C. WATSON & Co.

He immediately answered, in July, 1901, saying:

Gentlemen, you may omit block 91 and send papers for the others along, and oblige,

Yours, truly,

CHARLES SWAYNE.

Then, July 25, they wrote, sending him the papers for the other lots and leaving that one out. He had done what an honest man and an honest judge ought to have done. He said: "I can not buy anything that is in litigation before me. I prefer not to call another judge in to do the business I ought to do. I will not buy this lot or have my wife buy it."

He made no mistake in that; he did the right thing.

Mr. HENRY of Texas. I do not want to break into the continuity of the gentleman's argument, but I would like to ask him a question right there, if he will allow me.

Mr. PARKER. Certainly, I will.

Mr. HENRY of Texas. If Judge Swayne dropped out block 91 in July, why is it that, on November 5, 1901, he stated that a relative of his had purchased lot 91?

Mr. PARKER. Well, she had purchased or agreed to purchase it, and then did not take it.

Mr. HENRY of Texas. But he said to drop it out in July.

Mr. PARKER. It was dropped out.

Mr. HENRY of Texas. In July?

Mr. PARKER. The expression "had purchased" is pluperfect, is it not?

Mr. HENRY of Texas. He said that a relative had purchased the lot.

Mr. PARKER. I suppose your wife is your relative?

Mr. HENRY of Texas. Certainly; and if I were a judge and my wife had an interest in property which was the subject of litigation before me, I would recuse myself instantly.

Mr. PARKER. The gentleman from Texas does not seem to understand the evidence. Judge Swayne says that she had made an agreement for purchase.

Mr. HENRY of Texas. He didn't say that. On the 5th of November he said a relative, without saying it was his wife, had purchased lot No. 91.

Mr. PARKER. He had purchased it, but had given it up, and the agreement for purchase had been called off.

Mr. HENRY of Texas. Oh, no; he said a relative had purchased it, and on November 11 he said the relative was his wife.

Mr. PARKER. Now, Mr. Speaker, I am willing to allow interruptions, but I beg gentlemen not to interrupt me too frequently. I had got so far as the 25th day of July, 1901, and I am coming slowly down to the 11th of November. When I am trying to give an orderly statement of what happened in this matter, Members interrupt me with questions. I have got now as far as where Judge Swayne writes to them in July that his wife refused to take that lot. His wife had made an agreement of purchase, and he and she refused to carry it out, because the title was clouded and in litigation before him. He gave no reason, but, like a sensible man, he simply wrote and said, "Drop that out."

The next thing that appears to have taken place in the order of time was a suit brought by the agents, Watson & Co., against Edgar for their commission for making the sale of this lot. They were entitled to a commission, because Edgar had put the lot in their hands for sale, and they had done all they were asked to; they had found a purchaser, and then the title had failed, but by no fault of theirs. The lot had not been conveyed, the sale had fallen through, but they had done their work and were entitled to their commission.

That matter got into the newspapers, I suppose, or in some way it was known or rumored that Judge Swayne had bought this lot, and not knowing that the sale had been called off, it went around the community that he was the owner of the lot; and thereupon the attorney, Paquet, whether with Belden or not I don't know, addressed a letter to Judge Swayne at Guyencourt, Del., in which they told him that they understood that he owned a part of that property in litigation before him, and asked him to recuse himself. Remember, that was in October; that was three months after he had looked at the lot and thought of taking it and refused to take it, and he did not obviously know what these gentlemen were talking about, whether they meant that some of the other lots which he or his wife had purchased were within the McGuire tract, or whether it was this lot that she had refused, or what they meant.

Mr. SMITH of Kentucky. I should like to ask the gentleman a question.

Mr. PARKER. The gentleman is aware that I do not wish to be interrupted.

Mr. SMITH of Kentucky. I would like to know where the gentleman gets his facts when he says that when Judge Swayne got the letter from Paquet and Belden, he didn't know what they meant.

Mr. PARKER. I say how could he have known?

Mr. SMITH of Kentucky. He had traded for lot No. 91.

Mr. PARKER. The letter does not say lot No. 91. The letter has not been produced by them or anyone else. It has been described in the testimony. The gentleman from Wisconsin [Mr. COOPER] referred to it the other day. They do not seem to have said it was lot No. 91, or where it was, but they said, "You own a part of the property that is in this litigation, and you ought to recuse yourself." That is enough to make a judge think "Isn't this rather funny?" I think it was funny. If

these gentlemen had gone to T. C. Watson & Co. and asked them about what that suit for commissions meant they would have learned that the suit was based on a sale that was never carried out and the lot not conveyed to Judge Swayne or his wife. If they had gone to Edgar and asked him the same question he would have said the same thing. But these lawyers, without inquiry, accepted a mere street rumor and then wrote to Judge Swayne generally that he was interested in the property that was in litigation before him as a judge of the court, and asked him to recuse himself. I do not wonder that he refused to answer the letter until he found out what they meant, especially as he was soon going to be in Florida. This letter was written on the 16th of October.

Mr. RICHARDSON of Alabama. Mr. Speaker, I am very much interested in the gentleman's argument, and I just want the liberty of asking him one question for information.

Mr. PARKER. Is it upon this point?

Mr. RICHARDSON of Alabama. It is upon the purchase of that lot.

Mr. PARKER. Only on this point just where I am. I would like to get through the order of dates.

Mr. RICHARDSON of Alabama. It is on that lot which the gentleman has just been discussing with the gentleman from Texas [Mr. HENRY], and I desire to get some information from the gentleman.

Mr. PARKER. If the gentleman will wait a little bit, I would be very much obliged. Now, I was saying that Judge Swayne knew on the 16th or 17th of October, when he got that letter, that he would be down in Florida before the 5th of November, for he was trying criminal cases there on the 5th of November, and it would take only about twenty days. He waited until he got there, and on the 5th of November he states that the counsel were before him and he told them the facts. Mr. Paquet has not contradicted it; Mr. Belden has not contradicted it, because he was not there—he was sick at that time and away. Mr. Davis says he was not employed as counsel, but Mr. Davis does say, I think it is on page 329, in his petition for habeas corpus, that Judge Swayne on the 5th of November made certain statements in court, and seemed to imply that he was there. True, he says that that petition for habeas corpus was gotten up on a blank form for both Mr. Belden and himself, and that he did not mean he wrote the letter of October 16, and nobody can tell exactly what he did mean in that petition.

Mr. PALMER. Does not the gentleman remember that Mr. Davis was a respectable member of the bar and swore positively that he never was employed in the case until Saturday night?

Mr. PARKER. Yes.

Mr. PALMER. Very well. Now, what is there to contradict his testimony except some—

Mr. PARKER. I am not contradicting his testimony.

Mr. PALMER. Then what is the gentleman trying to prove—that he was not a member of the bar?

Mr. PARKER. I am trying to prove something that the gentleman does not seem to understand. [Laughter.]

Mr. PALMER. That is right.

Mr. PARKER. If the gentleman will sit down and listen, instead of asking questions, he will likely find out.

Mr. PALMER. It is not my fault—

Mr. PARKER. It is the gentleman's fault. He interrupted me in the middle of a thought.

Mr. PALMER. It is not my fault. It is the fault of my intellect. That is the trouble. I am too dumb to understand.

Mr. PARKER. It is not that. It is the fault of the gentleman interrupting me when I was just about to tell him what the matter was. The gentleman prevented my speaking before, and he can not do it this time.

Mr. PALMER. Give it to us straight. [Laughter.]

Mr. PARKER. I am going to give it to you straight. [Renewed laughter.] Now, I have got so far as this. The record made up on November 11, 1901, reads as follows, page 324:

On Tuesday, November 5, 1901, at the time of the presentation of the said motion by the plaintiffs, that the court recuse himself, he had then stated, and now states, that he never agreed to accept nor ever accepted any deed to any portion of the said Cheveau tract; that, as he stated, a member of his family, to wit, his wife, had, with money inherited by her from her father's estate, negotiated for the purchase of some city lots in Pensacola; that certain deeds in connection therewith had been sent to her in Delaware, one of them proving to be a quitclaim deed, and upon investigation and inquiry it was found out that the property in the deed was a portion of the property in litigation in the suit of Florida McGuire v. Pensacola City Company et al., and thereupon, and by his advice, the said deed was returned to the proposed grantors, with the statement that no further negotiations whatever could be conducted by them in relation to this property, and they thereupon refused to purchase, either at the present time or in the future, any portion of this tract.

That is what Judge Swayne, in the record of the contempt

proceedings, said on the 5th and 11th of November. Now, in the petition for a habeas corpus, page 329, Mr. Davis says that on the 5th of November Charles Swayne refused to recuse himself, and went on to state from the bench, in open court, that a relative of his had purchased a part of said lands in litigation before him in said suit of Mrs. Florida McGuire; that the deeds had been sent north to him [the judge], and that he had returned them.

The fact that Davis says he was not counsel at that time would not prevent his hearing that statement, and he has never said that he did not hear it or that that part of that petition is untrue. If so, counsel, parties, the community, probably through the newspapers, but certainly everyone present in that court knew that the judge owned no interest in that land on the 5th day of November. Then the judge went on with the trial of criminal cases until the 9th of November, which was a Saturday. Then, instead of being ready for trial, the parties in this case were not ready and wanted it postponed for the term. The court refused in the exercise of a sound discretion. Remember they had notice on the 5th that he stated he was competent and had the right to try that case, and they had four days' notice to get their witnesses.

Thereupon, this contempt was committed. I think it was a misbehavior of officers of the court, but I do not rely upon that. Under the statute already read contempt proceedings will lie for the misbehavior of any person, not only in the presence of the court, but so near thereto as to obstruct the administration of justice; we do not care, therefore, whether they—Belden and Davis—were lawyers and officers of the court, bound by their positions as members of the bar (except that their knowledge of the law and their confidential position was an aggravation of the offense), or whether they had been other persons, the parties to the suit, or outsiders. In the face of the judge's denial that he was interested in that lot, without once inquiring as to the facts from Watson or Edgar, without investigating whether the lot had been conveyed or not, they brought suit in the State court on that Saturday night against the judge as the owner of the land. That is not all. That suit was a sufficiently clear statement to the judge and to the community that he was a liar. It was a sufficiently clear statement that he was dishonest in attempting to try a case in which he was interested. It was a clear attempt to bring him into contempt in that community and to obstruct the administration of justice by making everybody distrust him—

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. PARKER. Not now.

Mr. GAINES of Tennessee. It interests me very much along there and—

Mr. PARKER. Just stop a moment. I do refuse to answer for the moment, but I will answer the gentleman in a moment.

Mr. GAINES of Tennessee. Do not leave the subject before I get a chance to ask the question, because I really want to ask a question there.

Mr. PARKER. It is a sufficient thing of itself to obstruct the administration of justice to bring a public suit against him of that sort, informing that whole community that the lawyers who had brought that suit believed that the judge was interested in the case before him, had refused to leave the case, and had lied about it. But they did more. That very night the attorney himself, Paquet, put into the newspapers of that town the following article:

JUDGE SWAYNE SUMMONED AS PARTY TO THE SUIT IN CASE OF FLORIDA MCGUIRE V. PENSACOLA COMPANY ET AL.

A decided new move was made in the now celebrated case of Mrs. Florida McGuire, who is the owner by inheritance and claims the possession of what is known as the "Rivas tract," in the eastern portion of the city, near Bayou Texas, by the filing of a praecipe for summons, through her attorneys, ex-Attorney-General Simeon Belden, Judge Louis P. Paquet, of New Orleans, and E. T. Davis, of this city, in the circuit court of Escambia County, in an ejectment proceeding for possession of block 91, as per map of T. C. Watson, which is part of the property which is claimed by Mrs. Florida McGuire, and which it is alleged that Judge Swayne purchased from a real estate agent in this city during the summer months, and which is a part of the property now in litigation before him.

The summons was placed in the hands of Sheriff Smith late last night for service.

Anyone who has common sense will say that it was the object of that statement to tell the community that that judge was not fit to sit upon the bench, because he wanted to try a case in which he was interested and because he lied when he said he was not interested. Obstruction to the administration of justice is not merely coming and striking a judge with a hammer; it is not merely making a noise in the court room; it is not merely bribing witnesses or bribing jurors in a case; it is not merely that. During the term, when the community is looking to the judge for truthful statements of the facts and the law, if any person, worst of all if attorneys of his court, dare to charge him

with dishonesty upon the bench in a pending case; dare to charge him with lying about the facts in that case; dare to emphasize and publish those charges by public suit, brought against him on a claim that they ought to have known and must have known was without foundation, and dare still more to prepare and publish an article calling public attention to that suit, and saying that it is alleged that the judge is interested in the suit pending before him, no court that respects itself and its duties can for a moment fail to see that for the protection of the honor and dignity and good faith of that court, which must depend upon the trust of the community, it is necessary to punish these men.

No court that respected itself could afford to allow that contempt to pass unpunished, and imprisonment for ten days and a fine of \$100 was a light punishment for that attack upon the honor and dignity of that court. This, too, has been already so determined, for the appeal in that case (120 Fed. Rep., in re Davis) set aside the sentence, not upon its merits, or upon the grounds set up in the petition, but upon the question of whether "fine and imprisonment" should be "fine or imprisonment." Those who have somehow gotten an idea that Judge Swayne is an unjust judge because he so protected his court have, in my opinion, unwittingly done him the greatest of wrong. In inflicting that punishment he did as righteous an act and as brave an act as was ever done by any judge.

Now is the time for the question of the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. All right. Now, I want my friend from New Jersey [Mr. PARKER] to feel assured that I am perfectly sincere in this.

Mr. PARKER. I am ready now to hear you.

Mr. GAINES of Tennessee. I have listened to the gentleman from New Jersey [Mr. PARKER] with a great deal of pleasure. Will the gentleman tell me when Judge Swayne informed those lawyers he did not have any interest in that property?

Mr. PARKER. On the 5th day of November.

Mr. GAINES of Tennessee. Where does the gentleman get his authority for that?

Mr. PARKER. It is in his statement, and it is found in Davis's affidavit, on page 129.

Mr. GAINES of Tennessee. Why did not Judge Swayne answer the letter, and why has not Judge Swayne furnished the letter that these gentlemen wrote to him? Why did he not answer it, and why did he not furnish it as part of the proof in this case?

Mr. PARKER. I will say to the gentleman from Tennessee that I tried to answer that question. I do not think it was necessary.

Mr. GAINES of Tennessee. The gentleman knows that the presumption is against him if he can not produce the letter? That is a good proposition of law?

Mr. PARKER. Not at all. I want to say to the gentleman that the judge received a notice from the lawyers—a letter, as I remember it, though I have not it before me—containing a statement which included no details, but simply said to him that he was interested in the Rivas tract which was in litigation before him, and they wanted him to recuse himself. There were several reasons why he might wait until he met them on the 5th of November.

Mr. GAINES of Tennessee. How long did he wait?

Mr. PARKER. From, say, the 17th of October to the 5th of November. He knew he was to be there. One reason might be that he thought those lawyers might have made a little inquiry before they made such a charge against him, for the least inquiry would have shown it was all wrong. If they had asked Mr. Edgar or Watson & Co. they would have found it was all wrong. No purchase had been consummated, although agreed upon. In the next place, he might have been puzzled to know what they were referring to. He had bought—or his wife had—certain lands in Florida by warranty deed. The agents had tried to make them take a quitclaim deed for another tract of land, and said that the quitclaim would be just as good as a warranty deed. He had taken other lands, and it might be that he wanted to go down to Florida and see the agents and see if he could deny that he was interested.

He did not perhaps remember the exact terms of the letters. He himself, when he came to make a statement in November, made an immaterial mistake. He said the deed had been sent to him and that he had returned it. That was untrue. The deed had been sent to the agent, and he ordered it returned. And he might have been doubtful whether that agent had performed the duty which he had imposed when he told him to return it. He might have been looking for light. There are fifty reasons. It might have been sheer carelessness, and even Congressmen are sometimes guilty of carelessness in answering

a letter. A judge has many letters to answer. But I do not see how twenty days made any difference if he did go there. He then found out what they meant. When they said he owned lot 91 he denied it, and explained it, and the case was set on the 5th for the 11th. And then they took revenge by bringing the suit and publishing a statement in the newspaper about him.

Mr. GAINES of Tennessee. How do you answer this allegation that he did not buy this property in litigation?

Mr. PARKER. The fact is given in the record.

Mr. GAINES of Tennessee. Give me the page of it.

Mr. PARKER. I have given it to you. You will find it on page 582 of the testimony.

Mr. SMITH of Kentucky. Mr. Davis it is not asserted was present. In the article filed by Mr. Blount it is not asserted that Mr. Davis was in court and heard the statement. He says Belden and Paquet were there; and I understand that is a mistake, in saying that Belden was there, as he was not there, but was sick.

A MEMBER. Nobody but Paquet was there.

Mr. PARKER. How many people am I answering?

Mr. SMITH of Kentucky. You are answering a certain proposition, it does not make any difference how many people you are answering.

Mr. GAINES of Tennessee. Did not these lawyers have the right to file this suit? Did not these men have the right to file this suit against this judge, even if he was a judge?

Mr. PARKER. Will you kindly stop putting more questions until I get through with those already asked? The first question was whether Davis knew what the judge said. Davis filed a petition, which is already referred to, and which is found on page 329, which shows that he knew what the judge said. He states that the judge said that he returned the deed.

I desire to say, as to the matter of knowledge, there is no difficulty about the knowledge of these attorneys. Belden was one of the attorneys and Paquet was present all the while. Davis was consulted before the suit was brought and before the newspaper publication was indulged in, and he knew what were the facts. He never denied knowledge of the facts, and he signed the petition in the habeas corpus, in which he said directly that the judge had made this statement in court, and so did Belden in filing a like petition. Will anybody tell me, after they have made that statement in their petitions, that they did not know that the judge had made that statement that he was not interested in that land?

Now, I answer the other question of the gentleman, as to whether people have a right to bring a suit against a judge—

Mr. GAINES of Tennessee. Do you think a Federal judge is better than a plain man in his right to be brought into court and made to disclose whether or not he owns a particular piece of property? Is a Federal judge better than you are, or than I am? That is the question I want to ask you.

Mr. PARKER. The gentleman first asked me whether it was any contempt to bring a suit against a judge. He then asked me a second question as to whether a judge is any better than a private man. I will answer that a judge is no better than a private man, but in his official transactions he represents the majesty of the law, and his person and his actions must be treated as sacred so far as necessary to maintain the administration of justice, and anything which interferes with or obstructs that administration of justice is not a contempt of the judge, but a contempt of the court and a contempt of the law, which is better than any private man. [Applause.]

In the next place, to bring a suit against a judge is nothing. To bring a suit which states that he is the owner of property which he has denied owning, and which is not only a public record, but is emphasized by a contemporaneous publication in a newspaper which forms part of the same transaction, and charges that that judge is corrupt enough to try and hear a case in which he is interested and cowardly enough, or worse, to deny such interest—I say that suit against a judge is a contempt of the court which the court must punish in justice to itself.

Now, the gentleman from Alabama [Mr. RICHARDSON] desired to ask me a question.

Mr. RICHARDSON of Alabama. I would be glad to ask a question for information. The gentleman has discussed, with marked courtesy, all the matter relating to block 91. I should be glad to call his attention most politely and respectfully to this paragraph in the testimony, which possibly he has overlooked:

The relative I referred to yesterday or the day before was my wife.

He went on to say that his wife had paid for the property from funds from the estate of her father in Delaware.

Mr. COCKRAN of New York. On what page of the record is that?

Mr. RICHARDSON of Alabama. Page 116. I just call the attention of the gentleman from New Jersey to that, because he has been so kind—

Mr. PARKER. The judge never said that they had bought and paid for the lot.

Mr. RICHARDSON of Alabama. That is in the record.

Mr. PARKER. No; it does not relate to that. I will go over it and explain it to the gentleman later with great pleasure.

Mr. RICHARDSON of Alabama. Don't you think that the highest degree of propriety and regard for judicial dignity would have led him to recuse himself from that trial?

Mr. PARKER. Oh, it would have been better for him not to have done as he did, if that was so. It was not so.

Mr. Speaker, there is but one other matter charged, and that is one that has given me the greatest concern. At the very end of this case it was proved, to my great astonishment, that the statutes of the United States only allowed actual expenses, not to exceed \$10 a day, to judges traveling outside of their districts. I have been at the bar for many years. I have heard it remarked over and over again that judges were glad to go to other districts, because they got \$10 a day for it. I supposed it was like our 20 cents a mile; that they got \$10 as an allowance for that work. I always supposed so. I know the sentiment of the bar was that that was so, and I was very much astonished to find, when I came to read the statute, that it was not so.

The statute is not easy to find. Gentleman will look for it in vain in the Revised Statutes or in the supplements thereto. It is contained in a sundry civil appropriation bill of 1896. Extracts were made from that act in the second supplement of the revision, but this particular section was never so extracted. It took me some time to find that particular section which provided for the payment of judges serving outside of their circuits of their reasonable expenses for travel and attendance not to exceed \$10 a day, to be paid to them by the marshal upon their certificate. (See Appendix B, Law as to Expenses.)

I was not present at the taking of the testimony. During the evidence it was offered to be proved on Judge Swayne's behalf that it had been the custom of various courts to certify \$10 as a lump sum. That offer was refused, and I am inclined to think it was properly refused. But I am inclined to think that Judge Swayne would have had a right to testify in his own behalf to prove that he knew that this was done.

His knowledge was of importance because it might bear on the question of intention, but that it was done by other people by itself was of no importance. His knowledge of such an accepted practice was of importance. I understand that his counsel now say that they accepted the exclusion of that evidence and would have asked Judge Swayne about this matter if they had not supposed the committee would not allow him to go into it at all. I think the subcommittee would have allowed him. Unanswered, unexplained, the fact that he took \$10 a day when he had spent less is a thing that is hard to deal with.

Half a dozen of us made a report in this matter. It was carefully drawn, not by myself—I have not the honor to draw that sentence with reference to that matter—it was carefully drawn, and the sentence was afterwards repeated in the speech of the gentleman from Maine [Mr. LITTLEFIELD] when he spoke on the question of impeachment. He said that unanswered and unexplained, this constitutes an impeachable offense.

Mr. Speaker, I blame myself that I did not add, as I had intended in the beginning, that the statement that this was an impeachable offense did not mean that he was necessarily to be impeached. There are many indictable offenses for which a grand jury will not indict. If a practice has prevailed for years among the best citizens of the community, even if it be a breach of the law, grand juries bring in in some States what is called a "general presentment." We have known the grand jury to present, for instance, that people are too careless in regard to the child-labor law or that there are too many saloons open or whatever it may be that becomes a public nuisance, whereas they decline to indict until they give a notice to stop by their presentment. If a custom of this sort has been adopted as a practical construction, that "reasonable expenses not to exceed \$10 a day" meant a reasonable allowance for travel and attendance, or if the certificates were signed on the marshal's presenting a certificate as the well-settled practice and without looking at the law, or if it was done for any honest motive, no Congress would impeach.

I wanted to say that then in my report, but I thought it was better said on the floor on the motion for impeachment. Mr. Speaker, I can not get over the fact that when a Member of the committee who had signed a minority report asked for leave on this floor to speak and that the previous question should not

be put, he was refused, and the previous question was put, and that I was unable to inform the House of my views at that time on that subject.

Mr. PALMER. I want to state here that I asked the gentleman from New Jersey if he wanted to speak, and he said he didn't know. I had no idea that he wanted to speak at that time.

Mr. PARKER. I rose to speak.

Mr. PALMER. I beg the gentleman's pardon; he rose to make a point of order that the previous question was not in order. If the gentleman is criticizing me for not allowing him to speak, he is under a misapprehension.

Mr. PARKER. I do not criticize anyone. I say, however, whether it was unwittingly done or not, in a case that involved the honor and the judicial life of a judge of the Federal court, I ought to have been allowed to speak.

Mr. JENKINS. Inasmuch as it was largely due to the influence of the gentleman from New Jersey that I joined him in favor of impeachment, I want to ask him if he had any evidence before him, or if there was any evidence taken before the committee, that any judge in the United States other than Judge Swayne had ever paid out only a dollar and a quarter a day and then put in a bill for \$10?

Mr. PARKER. I can not answer the gentleman's question.

Mr. JENKINS. Does not the gentleman know that there never has been a particle of evidence submitted before the committee as to the conduct of any other judge in the United States in that particular?

Mr. PARKER. That is true; it was ruled out.

Mr. JENKINS. It was not; it was never offered.

Mr. PARKER. I beg the gentleman's pardon.

Mr. JENKINS. I beg the gentleman's pardon—and any gentleman who will look at the record can determine that question.

Mr. PARKER. I understood so.

Mr. JENKINS. The gentleman says he understood so; but assuming that that was true, is it any defense for Judge Swayne that ten other judges in the United States have deliberately stolen \$6,000 out of the Treasury of the United States and put it into their pockets? That is what I want the gentleman to answer, and I want to ask him if I did not join him in recommending that Judge Swayne be impeached?

Mr. PARKER. I did not recommend that he be impeached. I said that it was an impeachable offense. [Laughter.] Now, I say that is a very different thing, a very different thing. I can say of many a man that "unanswered and unexplained" his act was indictable, but I believe it has been said that if everything that was against the law was punished there would not be any man out of State prison. There are excuses for everyone.

I intended to take the floor then and state this. I still think that to take that money on a certificate knowingly and willfully, as charged in these articles, is impeachable. If it is done not knowingly and willfully, but with the belief that the question has been settled and made a practical ruling of the courts, this does not justify the act in law, but it might induce us to hesitate in acting on that alone.

Mr. JENKINS. Mr. Speaker, I will ask the gentleman if any judge has admitted to him that he has ever perpetrated any such crime on the United States?

Mr. PARKER. To me? No. To others, yes.

Mr. JENKINS. Has the gentleman any knowledge that any other judge in the United States has committed that crime?

Mr. PARKER. Yes; a letter appeared—a certain letter which I showed the gentleman in confidence.

Mr. JENKINS. Yes; and no disclosure was made that would justify the gentleman's statement on the floor of this House, if he wants me to refer to a confidential letter.

Mr. PARKER. Then why does the gentleman ask me questions?

Mr. JENKINS. Because I supposed he would answer them and give us some light on the question.

Mr. PARKER. How could I answer the question?

Mr. JENKINS. If the gentleman does not want to, he does not have to.

Mr. PARKER. Mr. Speaker, there has come out since the investigation a document which I think is of importance. I do not rely at all upon ordinary newspaper reports. But this was a copy of a letter written by Mr. Shaw, Secretary of the Treasury, or by some one in his office in authority, and published by his authority at first in the Washington Post and afterwards in other papers. It gave five circuits. That letter has probably come into the hands of every gentleman. It does not show that any judge ever spent any less than he certified. In that I answer the gentleman frankly. It does show that in one circuit there were seven judges who always certified \$10 a

day, covering a large number of days. It showed that in another circuit there were nine judges, of whom eight, I think, always certified \$10 a day. In other circuits the practice varied. I came to the conclusion that there was a difference of practice in the various circuits.

Mr. FITZGERALD. Is there any evidence that these men who certified an expenditure of \$10 a day had in fact expended less than that amount?

Mr. PARKER. There is not the slightest evidence of that fact.

Mr. PALMER. Then what does all that amount to?

Mr. FITZGERALD. Then is the gentleman assuming that, because a number of judges certified that they had expended \$10 a day, the mere fact that they coincided in amounts is evidence that they had not expended the amount certified? Is that the gentleman's inference from these facts?

Mr. PARKER. I do not infer.

Mr. FITZGERALD. Is that the inference he wishes the Members of the House to draw?

Mr. PARKER. I do not infer. I wish them to draw no inferences. I will state I doubt—I will state that the offer was made in the testimony to prove that it was the practice of other judges. That offer was made when that matter was first brought out in the testimony.

Mr. PALMER. It was not made. The offer was on the cross-examination of a witness.

Mr. CLAYTON. Judge Swayne, in the hearing before the subcommittee, either he or his counsel—

Mr. PARKER. His counsel.

Mr. CLAYTON. Did seek to show that other judges had charged \$10 a day under the head of expenses; but as to the question that the gentleman from New York [Mr. FITZGERALD] asked, if Judge Swayne or his counsel on that hearing undertook to show that any judge had charged \$10 a day and had expended only \$1.25, there was no such offer made.

Mr. PARKER. Well, I shall refer to the record. I do not want to detain the House any longer now.

Mr. CLAYTON. If the gentleman will permit me—I have not interrupted him—here is some language that I want to call attention to:

Evidence as to the alleged practice of other judges in this respect was offered and excluded, and we think properly. It would have been competent for him, when a witness in his own behalf, to have stated why he made those certificates. As a witness, he answered and explained every other charge. This charge he made no effort, as a witness, to answer or explain. The inference from the record, on general principles, is that the charge is admitted to be true, and that he has no answer or explanation thereto. Whether a satisfactory explanation can be made we do not say. We must take the record as it stands.

Upon this record, unanswered and unexplained, we are of the opinion that in this particular an impeachable offense has been made out.

RICHARD WAYNE PARKER, AND OTHERS.

Mr. PARKER. Of course I signed it.

I have already stated that, unanswered and unexplained, an impeachable offense has been made out. But if the statute has been otherwise construed, it is a matter for this House, under its conscience, to determine not merely whether the matter is impeachable, but whether under the circumstances it demands impeachment. That is the question before this House. It is a question of conscience with every man. I had proposed to state this on the motion for impeachment. I had not bound myself to vote for impeachment by saying that, unanswered and unexplained, that action was impeachable.

Mr. LACEY. Mr. Speaker, I will state to the gentleman in this connection I find the reference that is called for on page 433.

This is the point of the judge being denied the privilege of explaining this and then being called to the bar of the House because he did not explain it. They asked this question of Mr. Bradley:

Q. The accounts of all the judges pass through your division of the United States Treasury Department?—A. Yes, sir.

Q. And as chief of that division you have supervision, and it is your duty to inspect all of them?—A. Yes, sir.

Q. I observe here that the charge as certified by Judge Swayne for any particular number of days seems to be at the rate of \$10 a day?—A. Yes, sir.

Q. Is that usual?

Mr. PALMER. I do not think that is of any consequence. You need not answer that question.

Mr. PALMER. Go on.

Mr. LACEY. "We are not trying any judge except Judge Swayne." The fact of the matter that other judges put a construction upon this law that it was a flat fixed rate of \$10 a day is not permitted to be proven by the accounting officer who audits the accounts.

Mr. PALMER. Mr. Speaker, the Judiciary Committee unanimously, including Mr. PARKER, stated that ruling was right, and so would any other lawyer.

Mr. LACEY. Why did you refuse the Judge an opportunity to explain that when he offered to show that that was the construction put upon the law by other judges?

Mr. PALMER. It was up to the judge after that to make a distinct and specific offer to prove a distinct and specific fact. If he had any specific fact to prove it and offered it in a legitimate and proper way it would have been received.

Mr. CLAYTON. What he offered was to the effect that if he was guilty of this wrong he said he justified it on the ground that others had been guilty.

Mr. JENKINS. Will the gentleman permit me to ask the gentleman from Iowa a question in this connection?

Mr. PARKER. I want to get through to-night.

Mr. JENKINS. You will have all the time you want. I ask the gentleman from Iowa if he was not reading from the testimony of a witness other than Judge Swayne?

Mr. LACEY. Certainly.

Mr. JENKINS. Did they ask that witness to prove whether or not any other judge had taken money in excess of what he was entitled to?

Mr. LACEY. No; they asked this proposition. Here is the offer by Senator Higgins:

Mr. HIGGINS. The point that I make, if the committee please, is that the action of the several and respective judges of the courts of the United States are practically a judicial interpretation of the statute—as to what it means—and that if the judges are informed to furnish the certificates at the rate of \$10 a day it is their interpretation of its being proper and right under the statute.

Mr. JENKINS. How could that witness testify as to the understanding of all the judges of the United States?

Mr. LACEY. He was asked as to whether it was usual that bills were put in at this fixed rate, and he was denied the privilege of answering it, and the committee, I think, made a mistake; and yet they come into this House and reflect upon the Judge because he did not testify to what they would not allow a disinterested witness to testify to under oath.

Mr. JENKINS. But the judge was not on the stand, but subsequently he was given an opportunity to explain or deny, and he never offered or attempted to explain or deny.

Mr. LACEY. He was not asked the question. This witness was told by the chairman, "You need not answer that question. We are not trying any other judge except Judge Swayne."

Mr. FITZGERALD. Mr. Speaker—

Mr. PARKER. Mr. Speaker, have I the floor?

Mr. FITZGERALD. Does the gentleman say—

Mr. PARKER. I would like the floor.

The SPEAKER pro tempore. The gentleman from New Jersey declines to yield, and gentlemen will be seated.

Mr. JENKINS. I would like to ask the gentleman from New Jersey [Mr. PARKER] a question.

Mr. PARKER. Of course, I will have to yield to the chairman of the Committee on the Judiciary.

Mr. JENKINS. Mr. Speaker, I want to ask a question of the gentleman from Iowa [Mr. LACEY].

Mr. PARKER. I would say to the gentleman from Wisconsin [Mr. JENKINS] that I would rather not get into any more discussions on that. But he may go ahead if he so desires.

Mr. JENKINS. I want to ask the gentleman from Iowa [Mr. LACEY] if it is a defense for Judge Swayne that ten other judges in the United States have committed the same crime?

Mr. LACEY. The answer is very simple.

Mr. JENKINS. In other words, is it a crime for a man to steal from the United States?

Mr. LACEY. The proposition came up in this way, and I am informed by the members of the Committee on Appropriations that they were asked to amend the law which required the judges to give an itemized account of the expenses of a judge who was outside of his circuit, and it was recommended to modify the law so that a fixed sum would have to be allowed in each case.

Mr. PALMER. But they did not do it?

Mr. LACEY. They attempted to do that. Appropriations were made from year to year and in every appropriation the same identical language was used as in the amendment to this law; it was done from year to year by nearly—I will not say nearly all—but as shown by the Secretary of the Treasury, at least a majority of the judges construed the law to give them a fixed rate of \$10 a day; just as the law gives a fixed rate of 20 cents a mile to my friend from Wisconsin [Mr. JENKINS] when he comes from Wisconsin here, when the actual traveling expenses are not that much; just as it allows \$4 to a man who is traveling as an Indian inspector, whether he spends it or not; and as it allows \$3 a day to a pension examiner whether he spends it or not. That same construction was put on it by the judges.

Mr. JENKINS. By what judges?

Mr. LACEY. Practically all the judges in the circuit in which these gentlemen live.

Mr. JENKINS. Because we have a letter from a judge you were mistaken when you made that statement on the floor of the House here recently.

Mr. LACEY. We have now the information from the Secretary of the Treasury which shows that in a considerable majority of the cases the judges put the construction upon it of a fixed rate of \$10.

Mr. JENKINS. Did Judge Swayne either tell the gentleman or the committee that he put that construction upon it?

Mr. PARKER. I think this is going beyond the question. I desire the floor.

Mr. PALMER. I would like to ask the gentleman a question.

Mr. PARKER. I decline to yield further. This publication by the Secretary of the Treasury, covering the year 1903, showed a great variety in the circuits. In one circuit of seven judges none of them took \$10 a day as a regular thing; in another eight always took \$10 a day and one did not, and it went to 670 days for the eight. In another of seven judges all of them always took \$10 a day, amounting to 366 days. In other circuits there was a variation. We can only say that in some circuits so much uniformity in the certifying of \$10 seems to indicate an honest judicial construction, or practical construction of the statute. Of course it is no legal justification for any man to break the law on the ground that it is misconstrued, but it is sometimes an excuse. Want of intent to break the law is no defense in the trial or justification before the jury, but it will be a justification for suspension of sentence or a very small penalty.

In this case the penalty can not be reduced or sentence suspended. Conviction means the greatest penalty that can be inflicted upon a man. It is worse than death for a judge to be removed from office and disqualified. The House has a wide discretion in this matter. It may prosecute or not, as it will. Each man's conscience must decide whether, upon this one single question of the certificates of expenses, he feels himself bound to vote for the impeachment of Judge Swayne.

Mr. SHERLEY. Will the gentleman answer me one question? I want to ask you if anywhere at any time Judge Swayne offered, as an excuse for his drawing \$10, that he had construed the law to entitle him to \$10?

Mr. PARKER. Are you speaking from the record or not?

Mr. SHERLEY. Yes, sir; from the record.

Mr. PARKER. I do not know of any such thing in the record.

Mr. CHARLES B. LANDIS. Did he not offer to prove it?

Mr. PARKER. He offered to prove it.

Mr. SHERLEY. That it was his construction.

Mr. PARKER. He offered to prove it was other people's construction.

Mr. SHERLEY. Then this further—

Mr. PARKER. Will you let me complete my answer? Gentlemen are so eager in this matter that they will not allow a man to answer. There is no proof of this in the record. There is an offer to prove that \$10 a day was pretty generally certified, and I take it that he meant to follow that up with proof that it is generally certified in some circuits without reference to the exact amount spent.

I know that his counsel since then has complained a little that the ruling out of the testimony in that regard made him think that Judge Swayne would not be allowed to testify on that subject, and therefore he did not offer it when he got Judge Swayne on the stand. I think I have fairly answered your question.

Mr. SHERLEY. Just one further question in this same connection. Do you believe, as a lawyer—do you believe that anyone contends—that any committee would hold incompetent testimony by a witness situated as Judge Swayne, not as to what construction others placed on a statute, but that he himself construed it in a given way?

Mr. PARKER. I only know what his counsel says.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to ask him a question?

Mr. PARKER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Is it as a matter of fact true and does not the gentleman know that in the majority of the judicial districts of the United States it actually does cost the judges more than \$10 a day, and therefore it is perfectly natural and proper they should certify to it, at least \$10; and is not the gravamen of the charge here, not that he certified the amount at all, but that while certifying to \$10, he actually spent less?

Mr. PARKER. I do not know how to answer that question. I do not claim to have knowledge of the expense of living

throughout the United States. I do not know what your hotels charge, and I can not answer. The gravamen of the charge, of course, is, I take it, where the judge did not spend it.

Mr. WILLIAMS of Mississippi. These other men spend it.

Mr. PARKER. That may be true.

Mr. WILLIAMS of Mississippi. I think the other men did spend it. If you take the names, you will find that they were in the city districts.

Mr. PARKER. I have not the names. I think there are nineteen judges of the different circuits mentioned in the Treasury Department letter who certify \$10 uniformly and seventeen who do not.

Mr. LIVINGSTON. I would like to correct a mistake, which has just been made on the floor by the gentleman from Iowa [Mr. LACEY].

Mr. PARKER. I am done, unless there are further questions.

APPENDIX A.

ABANDONED CHARGES.

The Hoskins bankruptcy, involving, as is claimed, \$40,000 assets, was continued only because the bankrupt would not give a moderate bond of \$5,000, and he used the opportunity to settle at a discount.

The Hoskins contempt went from term to term, not by order, but by agreement of attorneys, and young Hoskins killed himself in the depression caused by a prolonged spree.

Tunison, the alleged favorite of Judge Swayne, lost most of his cases before him.

Naturally these charges fell.

APPENDIX B.

THE LAW AS TO EXPENSES.

The law of 1896 (29 U. S. Stat., p. 451) appropriates in a sundry civil bill for payment "of reasonable expenses of travel and attendance of district judges directed to hold court outside of their districts, not to exceed \$10 per day each, to be paid on written certificates of the judges, and such items shall be allowed the marshal in the settlement of his accounts with the United States."

Those of the judges who certify \$10 obviously construe the word "expense" to include any loss or damage, as in the phrases "at the expense of health," "a joke at another's expense." Attendance out of the district, away from his home and office, is a loss and, in this sense, an expense to any judge in interfering with his management of family affairs and private business, and they seem to think this construction justified as a fair construction of the law.

The history of the legislation is as follows:

In 1850 (9 Stat., 442) judges could be detailed in case of sickness and disability, and the judge shall be allowed his reasonable expenses of travel to and from and of residence in such other district necessarily incurred by reason of such designation and appointment, and such expense shall, when certified by the clerk and district attorney of the judicial district within which such services shall have been performed, be paid by the marshal of such district and allowed him in his accounts with the United States.

In 1871 new salaries were provided for all judges (16 Stat. L., p. 495) and all travel abolished for judges, including the provision "it shall be the duty of such district judge as shall be for that purpose designated and appointed to hold the district or circuit court, as aforesaid, without any other compensation than his regular salary as established by law."

These provisions go into Revised Statutes with a special provision as to New York City for payment on a judge's certificate. By Revised Statutes, pages 596-597, the circuit judge could order the district judge to help in another district in the same circuit "without any other compensation than his regular salary, as established by law, except in the case provided in the next section," which provided that when this court was held in the southern district of New York "his expenses, not exceeding \$10 per day, certified by him, shall be paid by the marshal of said district as part of the expenses of the court, and shall be allowed in the marshal's account."

In 1881 the payment for expenses was resumed (21 Stat. L., p. 454). "For expenses and fees of bailiffs, for payment of expenses of district judges who may be sent out of their districts in pursuance of law to hold a circuit or a district court, and for other miscellaneous expenses, * * * and so much of section 596 of the Revised Statutes as forbids the payment of expenses of district judges while holding court outside of their districts is hereby repealed." Under this act judges were paid upon itemized statements. (See Record, page 432, letter of E. G. Timme, auditor.)

In 1891, March 3, section 8 (Sup. to Rev. Stat., p. 904), a judge attending the circuit court of appeals "shall, upon his written certificate, be paid by the marshal of the district in which the court shall be held his reasonable expenses for travel and attendance not to exceed \$10 a day, and such payment shall be allowed the marshal in the settlement of his accounts with the United States."

Thus, at appeal, a judge was paid on his simple certificate, and on other detail he had to file an itemized certificate.

In 1896 (29 Stat. L., p. 451) the sundry civil bill provided for payment, on certificate, "of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed \$10 per day each, to be paid on written certificates of the judges, and such payment shall be allowed the marshal in settlement of his accounts with the United States."

Since that time the payment has been made without itemized accounts (Record, p. 432, Auditor's letter) of small payments made and incident to such travel and attendance. It is claimed that Judge Swayne rendered bills at the rate of \$10 a day without reference to what he actually spent. It is proved that his board and travel of some of these visits did not amount to that sum. I am frank to say that the statute, in my opinion, is confined to expenses in the sense of money paid out, and does not extend to such expense as is involved in interference with other matters. But I am likewise bound to notice that it is claimed that some of the judges have been of the opinion that, including such interference, their expenses on attendance out of their districts would always be fairly above \$10, and that numerous certificates have been so rendered. While ignorance of the law excuses no one, intent is a necessary part of the high crime or misdemeanor

which must be subject of impeachment, and if there be any such practice by respected judges it may be held to be a proof that they and this judge had honest intent. I believe that this practice is not warranted by law. But if such quasi judicial constructions have been given to the statute, in the absence of objection by the officers of the Treasury, or of public discussion which would have called judicial attention to the matter, I must agree that impeachment proceedings against any one judge should now be found upon this single ground. Members of the committee differ on this question, which must be determined by the House.

The SPEAKER. The House will be in order.

Mr. LIVINGSTON. I have permission of the gentleman—

Mr. PALMER. I yield to the gentleman from Georgia, for the purpose of making an explanation.

The SPEAKER. Has the gentleman from New Jersey yielded the floor?

Mr. PARKER. I have yielded the floor.

Mr. LIVINGSTON. I understood the gentleman from Iowa to say a moment ago that the Committee on Appropriations from 1896, when it originated, had regularly incorporated this same language in the bill. This language was put in the bill in 1896:

Reasonable expenses, not to exceed \$10 a day.

Mr. LACEY. Reasonable expenses and attendance; those are the words, "and attendance."

Mr. LIVINGSTON. The point I want to make, Mr. Speaker, is this: That he charges, if I understand him correctly, that the Committee on Appropriations knowingly continued that language in the appropriation bill when the judges were violating the law.

Mr. LACEY. Oh, no.

Mr. LIVINGSTON. In other words, that they were charging \$10 a day when their expenses were less. Now, if there was a single member of the Committee on Appropriations, Mr. Speaker, including yourself, that knew any such thing, I am not aware of it; and the gentleman is mistaken when he makes such a statement.

Mr. LACEY. I say the Appropriations Committee knew the construction put on it by the judges.

JUDICIAL SYSTEM IN CHINA AND KOREA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, ordered to be printed, and referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a report by the Secretary of State concerning the importance of reform in our extra-territorial judicial system in China and Korea, with accompanying papers, including a draft of an act providing for the establishment of a district court of the United States for China and Korea.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
Washington, January 13, 1905.

BRIDGE ACROSS TENNESSEE RIVER, DECATUR, ALA.

Mr. RICHARDSON of Alabama. Mr. Speaker—

Mr. WILLIAMS of Mississippi. Mr. Speaker, I notice it is 15 minutes after 5 o'clock. I hope the motion to adjourn will be made.

Mr. PALMER. Mr. Speaker, I yield for a request by the gentleman from Alabama, and then I will move that the House adjourn.

The SPEAKER. The gentleman from Pennsylvania withholds the motion to adjourn. For what purpose does the gentleman from Alabama rise?

Mr. RICHARDSON of Alabama. I ask unanimous consent for the present consideration of the bill (H. R. 15567) to authorize the Decatur Transportation and Manufacturing Company, a corporation, to construct, maintain, and operate a bridge across the Tennessee River at or near the city of Decatur, Ala.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of a bill, the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read.

The following amendments, recommended by the Committee on Interstate and Foreign Commerce, were read, considered, and agreed to:

At the end of line 5, page 4, add a colon in place of the period and insert the following:

"Provided, That if the Decatur Transportation and Manufacturing Company should determine at any time to charge toll for passing over the bridge, a schedule of the charges shall be submitted to the Secretary of War for his approval, reduction, or refusal, and shall not go into effect until approved by him; and if any complaint is made at any time the Secretary of War shall have authority to reduce the toll as in his discretion he sees proper."

In line 8, page 4, after the first word "within," strike out the word "two" and insert the word "one;" and in the same line, on same page, after the second word "within," strike out the word "five" and insert the word "three."

The bill as amended was ordered to be engrossed and read a

third time; and was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON of Alabama, a motion to reconsider the last vote was laid on the table.

ISTHMIAN CANAL COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, was ordered to be printed and referred to the Committee on Interstate and Foreign Commerce:

To the Senate and House of Representatives:

I transmit herewith the report of the Isthmian Canal Commission, accompanied by a letter of the Secretary of War, under whose supervision I have by Executive order placed the work of the Commission. I concur with the Secretary of War in the view that the present provision of law, by which the work of building the canal has to be done only through a body of seven members, is inflexible and clumsy, and I earnestly recommend a change, so that the President, who is charged with the responsibility of building the canal, may exercise greater discretion in the organization of the personnel through whom he is to discharge this duty. Actual experience has convinced me that it will be impossible to obtain the best and most effective service under the limitations prescribed by law. The general plans for the work must be agreed upon with the aid of the best engineers of the country, who should act as an advisory or consulting body. The consulting engineers should not be put on the Commission, which should be used only as an executive instrument for the executive and administrative work. The actual work of executing the general plans agreed upon by the Commission, after receiving the conclusions of the advising engineers, must be done by an engineer in charge, and we now have an excellent engineer. It is, in my judgment, inadvisable therefore to restrict the Executive's choice of Commissioners to representatives of the Engineer Corps of the Army or the Navy. The Commission should consist of five, or preferably of three, members, whose respective duties, powers, and salaries should be assigned to them by the President, and who should be placed under the member of the Cabinet whom the President desires. Of these men, the one appointed as administrator of the canal strip should also serve as minister to Panama.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 13, 1905.

BRIDGE ACROSS THE RED RIVER OF THE NORTH.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent—

Mr. WILLIAMS of Mississippi. Mr. Speaker, I will ask the gentleman to yield to me for a moment, reserving the right to object. I want to make a statement.

The SPEAKER. The request has not yet been submitted. The gentleman from Minnesota asks unanimous consent for the present consideration of a bill, the title of which will be reported by the Clerk.

The Clerk read the title of the bill (H. R. 16720) permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, reserving the right to object, I wish to make a statement. I wish to do it because of the situation into which I find we are getting. It is becoming a habit to consider requests for unanimous consent after 5 o'clock. One such request has been granted to a gentleman on this side of the Chamber this evening. It would therefore be invidious and unfair to object to one upon the other side, but I want to give notice that hereafter I shall object to requests for unanimous consent after 5 o'clock.

The SPEAKER. The Chair will state that for the accommodation of Members he has been in the habit of presenting to the House requests for unanimous consent for the consideration of certain classes of bills. It is in the power of any gentleman to object at any time. The gentleman from Pennsylvania [Mr. PALMER] withholding his motion to adjourn, the Chair recognized one gentleman and then another. Is there objection?

There was no objection.

The Clerk read the bill.

The following amendments, recommended by the Committee on Interstate and Foreign Commerce, were read:

Strike out all after the enacting clause and insert:

That the consent of Congress is hereby granted to the Minneapolis, St. Paul and Sault Ste. Marie Railway Company, a railway corporation organized under the laws of the States of Michigan, Wisconsin, Minnesota, and North Dakota, its successors or assigns, to build a railway bridge across the Red River of the North, suitable to the interests of navigation, from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak.: *Provided*, That drawings showing the plans and location of said bridge and appurtenant works shall be submitted to the Chief of Engineers and the Secretary of War for approval, and until approved by them the construction of such bridge shall not be commenced: *And provided further*, That said Minneapolis, St. Paul and Sault Ste. Marie Railway Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of the said bridge, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War; and any changes in said bridge which the Secretary of War may at any time order in the interest of navigation shall be promptly made by said company at its own expense.

Sec. 2. That in case any litigation arises from the building of said bridge or from the obstruction of said river by said bridge, cases may be tried in the proper courts, as now provided for that purpose in the States of Minnesota and North Dakota and in the courts of the United

States: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said bridge from the operation of same.

SEC. 3. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case of disagreement between the parties in regard to the compensation to be paid or the conditions to be observed all matters at issue shall be determined by the Secretary of War.

SEC. 4. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission of mails and the troops and munitions of war of the United States over the same than the rate per mile paid for the transportation over the railroad or approaches leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes.

SEC. 5. That this act shall be null and void unless the bridge herein authorized be commenced within one year and completed within two years from the date of approval of this act.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The Chair may be indulged by the House for a single statement. There may be good reasons why bridge bills should be separately considered. During the service of the Chair as a Member of the House he has no recollection of any bridge bill having passed except upon the recommendation of the Secretary of War, which is practically the recommendation of the Chief of Engineers, and the Chair has given some attention to this matter. There may be some good reason why a general law should not be passed vesting the discretion in the Secretary of War to grant the privilege, with proper safeguards, leaving it in the power of Congress to take it away. There are many of these bills. They come up almost as a daily matter. They take something of time, and something of space upon the RECORD as well as the Journal of the House. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. STEENERSON, a motion to reconsider the last vote was laid on the table.

Mr. PALMER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting petitions from the Philippine Islands for a reduction of the tobacco tariff—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting supplemental estimates of appropriation for the service of the Department—to the Committees on Military Affairs and Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for proving grounds, Sandy Hook—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the First Baptist Church at Jefferson City, Tenn., against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the president of the Chesapeake and Potomac Telephone Company, transmitting the report for the year 1904—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17345) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve, reported the same without amendment, accompanied by a report (No. 3538); which said bill and report were referred to the Committee of the Whole House on state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15613) for the better protection against fire on steam vessels carrying passengers and for the protection of life thereon—Committee on Interstate and Foreign Commerce discharged, and referred to the Committee on the Merchant Marine and Fisheries.

A bill (H. R. 16789) for the prevention of fire from electrical apparatus on steam vessels carrying passengers—Committee on Interstate and Foreign Commerce discharged, and referred to the Committee on the Merchant Marine and Fisheries.

A bill (H. R. 17689) granting a pension to Priscilla Schroeder—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 17703) to increase the limit of cost for the purchase of site and the erection of a public building at Baraboo, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. SHEPPARD: A bill (H. R. 17704) amending section 17, chapter 296, United States Statutes at Large, volume 14, so as to provide that members of Congress using free transportation to and from Congress shall not receive mileage—to the Committee on Appropriations.

By Mr. PEARRE: A bill (H. R. 17705) granting a pension of \$30 per month to all Union soldiers who served ninety days or more and were honorably discharged and who are or hereafter may become 70 years of age—to the Committee on Invalid Pensions.

By Mr. KALANIANA'OLE: A bill (H. R. 17706) to provide for the building of a new light-house and range lights at Honolulu Harbor, Territory of Hawaii—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17707) for the establishing of a light-house at Makapuu Point, on the island of Oahu, Territory of Hawaii—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: A bill (H. R. 17708) to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885—to the Committee on Ways and Means.

By Mr. CURTIS: A bill (H. R. 17709) granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway, property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes—to the Committee on Indian Affairs.

By Mr. SOUTHARD: A bill (H. R. 17710) providing for the purchase of a site and the erection of a public building at Toledo, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. LITTLE: A bill (H. R. 17711) to extend the western boundary line of the State of Arkansas—to the Committee on the Judiciary.

By Mr. VAN DUZER: A bill (H. R. 17712) providing for the disposal of lands acquired under the provisions of the reclamation act—to the Committee on Irrigation of Arid Lands.

By Mr. SMITH of Illinois: A bill (H. R. 17733) to amend section 2 of the act entitled "An act making appropriations for the payments of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," approved March 3, 1879—to the Committee on Invalid Pensions.

By Mr. PEARRE: A resolution (H. Res. 420) referring to the Court of Claims the bill H. R. 6066—to the Committee on War Claims.

Also, a resolution (H. Res. 421) referring to the Court of Claims the bill H. R. 4334—to the Committee on War Claims.

Also, a resolution (H. Res. 422) referring to the Court of Claims the bill H. R. 4346—to the Committee on War Claims.

Also, a resolution (H. Res. 423) referring to the Court of Claims the bill H. R. 12283—to the Committee on War Claims.

Also, a resolution (H. Res. 424) referring to the Court of Claims the bill H. R. 6983—to the Committee on War Claims.

Also, a resolution (H. Res. 425) referring to the Court of Claims the bill H. R. 6979—to the Committee on War Claims.

Also, a resolution (H. Res. 426) referring to the Court of Claims the bill H. R. 4335—to the Committee on War Claims.

Also, a resolution (H. Res. 427) referring to the Court of Claims the bill H. R. 7803—to the Committee on War Claims.

Also, a resolution (H. Res. 428) referring to the Court of Claims the bill H. R. 9433—to the Committee on War Claims.

Also, a resolution (H. Res. 429) referring to the Court of Claims the bill H. R. 4340—to the Committee on War Claims.

Also, a resolution (H. Res. 430) referring to the Court of Claims the bill H. R. 4332—to the Committee on War Claims.

Also, a resolution (H. Res. 431) referring to the Court of Claims the bill H. R. 9431—to the Committee on War Claims.

Also, a resolution (H. Res. 432) referring to the Court of Claims the bill H. R. 8223—to the Committee on War Claims.

Also, a resolution (H. Res. 433) referring to the Court of Claims the bill H. R. 11551—to the Committee on War Claims.

Also, a resolution (H. Res. 434) referring to the Court of Claims the bill H. R. 4341—to the Committee on War Claims.

Also, a resolution (H. Res. 435) referring to the Court of Claims the bill H. R. 13261—to the Committee on War Claims.

Also, a resolution (H. Res. 436) referring to the Court of Claims the bill H. R. 8229—to the Committee on War Claims.

Also, a resolution (H. Res. 437) referring to the Court of Claims the bill H. R. 4343—to the Committee on War Claims.

Also, a resolution (H. Res. 438) referring to the Court of Claims the bill H. R. 4338—to the Committee on War Claims.

Also, a resolution (H. Res. 439) referring to the Court of Claims the bill H. R. 4342—to the Committee on War Claims.

Also, a resolution (H. Res. 440) referring to the Court of Claims the bill H. R. 12200—to the Committee on War Claims.

Also, a resolution (H. Res. 441) referring to the Court of Claims the bill H. R. 4336—to the Committee on War Claims.

Also, a resolution (H. Res. 442) referring to the Court of Claims the bill H. R. 4333—to the Committee on War Claims.

Also, a resolution (H. Res. 443) referring to the Court of Claims the bill H. R. 4339—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BADGER: A bill (H. R. 17713) granting an increase of pension to Andrew F. Murray—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: A bill (H. R. 17714) granting an increase of pension to Bumel Wickham—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 17715) granting an increase of pension to Samuel A. Statton—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 17716) granting an increase of pension to William B. White—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 17717) granting a pension to William H. Shillings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17718) granting an increase of pension to Pryor L. Draper—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 17719) granting a pension to John M. Hoisington—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 17720) granting a pension to Andrew Ballou—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17721) granting a pension to Mary J. Luncford—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 17722) for the relief of Elizabeth A. Deuell—to the Committee on War Claims.

By Mr. HILL of Mississippi: A bill (H. R. 17723) for the relief of W. F. Lockhart—to the Committee on War Claims.

Also, a bill (H. R. 17724) for the relief of the estate of Solomon Smith, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17725) for the relief of W. F. Lockhart—to the Committee on War Claims.

By Mr. HOPKINS: A bill (H. R. 17726) granting an increase of pension to John W. Puckett—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 17727) granting an increase of pension to William Crawford—to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 17728) for the relief of the legal representatives of Naloti Biraghi—to the Committee on War Claims.

Also, a bill (H. R. 17729) granting a pension to John N. Long—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 17730) for the relief of Charles W. Russey, of Sevier County, Ark.—to the Committee on Claims.

By Mr. REID: A bill (H. R. 17731) granting an increase of pension to William Stewart—to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 17732) for the relief of Jefferson Franks—to the Committee on Military Affairs.

By Mr. TOWNSEND: A bill (H. R. 17734) granting a pension to Susan M. Salsbury—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 17735) granting an increase of pension to John T. Waxler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17736) granting an increase of pension to James H. Larimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17737) granting an increase of pension to John F. Bonnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17738) granting an increase of pension to George E. Shoemaker—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 17739) granting a pension to Faldean Wealland—to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17740) granting an increase of pension to Sarah Burks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17741) to remove the charge of desertion from the military record of Hiram Hutchcroft—to the Committee on Military Affairs.

By Mr. McLAIN: A bill (H. R. 17742) for the relief of William R. Beach—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the International Typographical Union, of Indianapolis, Ind., for legislation favoring a higher rate of pay for the United States Marine Band—to the Committee on Naval Affairs.

Also, petition of the Colorado Federation of Women's Clubs, favoring legislation against destruction of the mammoth trees of California—to the Committee on the Public Lands.

By Mr. AIKEN: Papers to accompany bill for the relief of W. T. Parker—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: Petition of the Farmers' Association of Ponchatoula, La., against unjust discrimination in freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMPACKER: Petition of the Republican Club of Evansville, Ind., for enforcement of the fourteenth amendment to the Federal Constitution—to the Committee on the Census.

Also, petition of citizens of Hanna, Ind., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of the Pennsylvania State Grange, favoring bill H. R. 8678—to the Committee on Agriculture.

By Mr. DAVIS of Minnesota: Papers to accompany bill H. R. 16735, granting an increase of pension to John Hoock—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of Colorado beet-sugar manufacturers, opposing reduction of duties on raw and refined sugar—to the Committee on Ways and Means.

By Mr. FULLER: Petition of New England Tobacco Growers' Association, against any change in rates of duty on tobacco—to the Committee on Ways and Means.

Also, petition of Peter Von Schaack & Sons, favoring passage of the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Rockford (Ill.) Manufacturing Company, favoring passage of bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Union Furniture Company, of Rockford, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HILDEBRANT: Paper to accompany bill for relief of Elizabeth A. Denell—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Paper to accompany bill for relief of John D. McGahan—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of Hibbard, Spencer, Bartlett & Co., of Chicago, asking legislation governing freight rates in line of recommendations in President's message—to the Committee on Interstate and Foreign Commerce.

Also, petition of Hibbard, Spencer, Bartlett & Co., asking passage of bill H. R. 5600, by Mr. RUSSELL—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Petition of the Progressive League of Chippewa Falls, Wis., against reduction of duties on sugar and tobacco from the Philippine Islands—to the Committee on Ways and Means.

By Mr. LACEY: Petition of Council Bluffs Commercial Club, favoring the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: Petition of the Los Angeles Chamber of Commerce, against enactment of a law taxing brandy used in fortifying sweet wines—to the Committee on Ways and Means.

Also, petition of the California Club, favoring legislation for preservation of big trees of California—to the Committee on Agriculture.

Also, petition of the Board of Trade of San Francisco, Cal., for an additional tug boat for revenue service—to the Committee on Interstate and Foreign Commerce.

By Mr. PUJO: Resolution of the general assembly of Louisiana, relative to slack-water navigation in Bayou Macon and Boeuf River, Louisiana—to the Committee on Rivers and Harbors.

Also, resolution of the general assembly of the State of Louisiana, relative to improvement of Sabine River, Louisiana—to the Committee on Rivers and Harbors.

Also, resolution of the general assembly of the State of Louisiana, relative to locks on Bayou Plaquemines, Louisiana—to the Committee on Rivers and Harbors.

Also, resolution of the general assembly of the State of Louisiana, relative to divorcing the Mississippi and Atchafalaya rivers, Louisiana—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON of Alabama: Paper to accompany bill granting pension to Rhoda C. O'Neill—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Division No. 153, Brotherhood of Locomotive Engineers, of Garrett, Ind., in favor of bill H. R. 7041—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of the post commander of the Army and Navy Union, favoring the naval retirement bill—to the Committee on Naval Affairs.

By Mr. SNOOK: Papers to accompany bill H. R. 4385, to increase pension of Thomas Thompson—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: Papers to accompany bill for relief of George E. Shoemaker, of Zanesville, Ohio—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of John F. Bonnell—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of James H. Larimer—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of John T. Waxlin—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petition of Lake Superior Subdivision of the Brotherhood of Locomotive Engineers, favoring legislation preventing anyone becoming an engineer who has not served three years as a locomotive fireman—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lake Superior Subdivision of Brotherhood of Locomotive Engineers, favoring legislation against excessive hours for engineers—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, January 14, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Methodist Church of Kossuth, Miss., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate communications from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the States of North Dakota and Colorado; which, with the accompanying papers, were ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses

thereon, and had appointed Mr. COOPER of Wisconsin, Mr. TAWNEY, Mr. CRUMPACKER, Mr. JONES of Virginia, and Mr. MADDOX managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 13772. An act to amend section 858 of the Revised Statutes of the United States;

H. R. 16567. An act to authorize the Decatur Transportation and Manufacturing Company, a corporation, to construct, maintain, and operate a bridge across the Tennessee River at or near the city of Decatur, Ala.; and

H. R. 16720. An act permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Presiding Officer:

S. 3728. An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes;

H. R. 15113. An act for the relief of the estate of George W. Saulpaw;

H. R. 6351. An act to pay J. B. McRae \$99 for services as hospital steward, etc.;

H. R. 15606. An act to authorize the county of Itawamba, in the State of Mississippi, to construct a bridge across the Tombigbee River near the town of Fulton, in the said county and State;

H. R. 15810. An act to authorize Caldwell Parish, La., to construct a bridge across the Ouachita River;

H. R. 15981. An act to amend an act entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi;"

S. R. 24. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Luis Bográn H., of Honduras; and

S. R. 78. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Frutos Tomás Plaza, of Ecuador.

CIVIL GOVERNMENT IN THE PHILIPPINES.

Mr. LODGE. I ask that the Philippine bill, which has just come over from the House, may be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LODGE. I move that the Senate accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. LODGE, Mr. HALE, and Mr. CULBERSON were appointed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER (for Mr. FRYE) presented a memorial of the United Confederate Veterans, remonstrating against the adoption of certain amendments to the bill providing for the care and preservation of the graves of the Confederate dead now in the various cemeteries in the Northern States; which was referred to the Committee on Military Affairs.

Mr. CULLOM presented a memorial of sundry citizens of Duquoin, Ill., and a memorial of sundry citizens of Shelby and Effingham counties, Ill., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of Viola Lodge, No. 350, Brotherhood of Locomotive Firemen, of Mattoon, Ill., and a petition of Robinson Division, No. 78, Order of Railway Conductors,